



REPUBLIC OF TRINIDAD AND TOBAGO

# Debates of the House of Representatives

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4th Session – 10th Parliament (Rep.) – Volume 28 – Number 40

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**OFFICIAL REPORT  
(HANSARD)**

THE HONOURABLE WADE MARK  
SPEAKER

THE HONOURABLE NELA KHAN  
DEPUTY SPEAKER

**Monday 28th July, 2014**

**CLERK OF THE HOUSE: JACQUI SAMPSON-MEIGUEL**

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*Leave of Absence**Monday, July 28, 2014***HOUSE OF REPRESENTATIVES***Monday, July 28, 2014*

The House met at 1.30 p.m.

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

**Mr. Speaker:** Hon. Members, I have received communication from the following Members: the Hon. Jairam Seemungal, Member of Parliament for La Horquetta/Talparo and the Hon. Mr. Patrick Manning, Member of Parliament for San Fernando East. They have both asked to be excused from today's sitting of the House. The leave which the Members seek is granted.

**ANSWERS TO QUESTIONS**

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, I would like to indicate that there are three questions on the Order Paper. I just want to ask that question 184 be deferred. We are quite prepared to answer questions 178 and 180.

**Miss Mc Donald:** Mr. Speaker, I would like to find out from my colleague, the Member for Oropouche East and Leader of Government Business, that there are not only oral answers, but there are also written. There are nine of them which are outstanding. I brought it to the attention of the Member last week and at that time he indicated that they would have been circulated during the sitting. I would like to find out the status of these nine outstanding questions, please.

**Hon. Dr. R. Moonilal:** Mr. Speaker, a few of these questions require intense research. We are working, during the course of this sitting, to provide answers to questions No. 150, 166 and 171. We are working to put together the answers and I am hoping that we can circulate later in the proceedings.

**Mr. Speaker:** The others would come later on?

**Hon. Dr. R. Moonilal:** Yes.

**Miss Mc Donald:** [*Inaudible*]

**Mr. Speaker:** Once the Parliament prorogues, they will have to be refiled, as we know.

## WRITTEN ANSWERS TO QUESTIONS

**Point Fortin Highway Project  
(Information on)**

**150. Mrs. Paula Gopee-Scoon** (*Point Fortin*) asked the hon. Minister of Works and Infrastructure:

Could the Minister state:

- (a) How many persons from the constituency of Point Fortin have been employed to work on the Point Fortin Highway Project to date?
- (b) How many contractors from the constituency of Point Fortin have been formally engaged on the Point Fortin Highway Project to date?
- (c) With regard to part (b) above, what are the contract dates, amounts and work details?

**Central Bank of Trinidad and Tobago  
(Employee Information)**

**166. Mr. Colm Imbert** (*Diego Martin North/East*) asked the hon. Minister of Finance and the Economy:

With respect to employees at the Central Bank of Trinidad and Tobago, could the Minister state:

- (i) the qualifications and experience of each person employed by the Central Bank between July 13, 2012 and May 31, 2014;
- (ii) the selection process and criteria utilized by the Central Bank in each case to employ these people; and
- (iii) the position that each such person was placed in, or appointed to when first employed by the Bank, and their current position?

**Community Centres  
(Information on)**

**171. Miss Alicia Hospedales** (*Arouca/Maloney*) asked the hon. Minister of Community Development:

Could the Minister state:

- (a) the total number of community centres at present that are incomplete;
- (b) the location of each community centre identified in part (a);

- (c) the initial construction date for each community centre;
- (d) the reasons for the delay;
- (e) the name of the company to whom the contract for the construction of each community centre was awarded;
- (f) the amount of money paid to each contractor to date?

*Vide end of sitting for written answers.*

#### ORAL ANSWERS TO QUESTIONS

*The following question stood on the Order Paper:*

#### **Delegation to Argentina (Details of)**

**184. Mr. NiLeung Hypolite** (*Laventille West*) asked the hon. Minister of Tourism:

- A. Could the Minister confirm whether a delegation which included the Permanent Secretary of the Ministry of Tourism travelled to Argentina at any time over the period May 10 to June 10, 2014;
- B. If the answer to part (A) is in the affirmative, could the Minister state:
  - (i) the purpose of the travel;
  - (ii) who approved the travel;
  - (iii) whether the aircraft for this trip was chartered and if so, at what cost;
  - (iv) the breakdown of expenditure associated with the trip?

*Question, by leave, deferred.*

**Mr. Speaker:** Let us deal with the hon. Member for Diego Martin Central's question No. 178. Are you going to ask on his behalf, Member for Port of Spain South?

#### **Completion Dates for Housing Projects (Details of)**

**178. Miss Marlene Mc Donald** (*Port of Spain South*) on behalf of Dr. Amery Browne (*Diego Martin Central*) asked the hon. Minister of Housing and Urban Development:

- A. Could the Minister please state the projected completion dates for housing projects at:
- (a) Victoria Keys;
  - (b) Chaconia Crescent;
  - (c) Vieux Fort.
- B. Could the Minister indicate the reasons for the delay in the delivery of each of these projects?

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Thank you very much, Mr. Speaker. Question No. 178, the response: The projected completion dates for the specified housing projects queried in the question are as follows:

Victoria Keys, phase 3: description of work, building completion works; projected completion date, August 2014;

Victoria Keys: phase 2: external works and car park structures; projected completion date, August 2015;

Chaconia Crescent: building completion and external works, March 2015.

Vieux Fort: building completion and external works, October 2015.

The housing project named Victoria Keys, the original contract was executed in December 2005 for the construction of three eight-storey apartment buildings, comprising a total of 96 apartments per building and a grand total of 288 units for the project.

In 2007, instructions were given to the contractor to construct an additional penthouse floor, comprising six penthouse apartments on each of the buildings. This resulted in an extension of the completion of the project and claims made by the contractor for payment, including work stoppages.

In 2011, the HDC reviewed the existing design and determined that in order to provide a quality living experience, modifications were necessary to improve and enhance the original design and the functionality of the apartments and related services as these had been omitted in the original design.

There was no provision made in the original design—there was absolutely no provision made in the original design of these HDC buildings—for garbage disposal, access for the disabled and differently-abled, for residential services and other amenities required to ensure this property was residential ready.



The instruction to extend this building to construct an additional floor was made without reference to appropriate approvals as well. There was also no provision for any external works, which would have been required to complete the development. There was no provision for internal roads, a water layout, including connection to WASA mains, sewer layout or drainage layout.

There was no provision made for storm water management systems, flood prevention mechanisms, potable water storage facilities, retraining structures, car park structures; no provisions were made for street lighting and external site lighting.

No provisions were made for garbage collection and disposal systems. No provision was made for electricity infrastructure, the supply and distribution plan and layout. No provisions were made for telecommunication infrastructure, supply and distribution plan and layout; for cable television infrastructure. No provisions were made for security facilities, CCTV, remote controlled site access, security booth, external perimeter fencing. No provisions were made for community facilities links and walkways. This was a way of quickly moving on projects to tell the country how many housing units they were building.

As a consequence, a determination was made to incorporate these critical considerations and provide common areas within each building, access for the differently-abled, unit designs for differently-abled persons on the ground floor of each building. Mr. Speaker, I would like you to know that at all HDC sites at this time, we do special outfitting for ground floor housing units, apartments, to cater for differently-abled persons.

We also provide for installation of automatic sprinkler systems, installation of garbage chutes, installation of centralized air-condition units for common areas of the building and installation of split-type air-condition units throughout all apartment units.

The current status of Victoria Keys housing project, in terms of the building works, these are 95 per cent complete and are scheduled for completion in August 2014; in terms of the external works, internal roads, the water plan layout, sewer treatment layout, storm water management, water storage, retraining structures, car park structures, et cetera.

There has been a delay by the contractor and the HDC is currently applying delayed damages in accordance with the provisions of the contract for the breach in completion of the works. The delayed damages as at July 2014 amount to

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\$12,375,000. The HDC is seeking to get this money from the contractor.

External works and car park structures: a tender was issued for phase 4, which includes the completion of a car park and site infrastructure works. An award of contract was made in July 2014. Completion of these works is scheduled for August 2015.

As far as Chaconia Crescent is concerned, completion date is March 2015. The Chaconia Crescent housing development project is located next to the Four Roads Police Station between the Diego Martin Main Road and the Diego Martin Highway. In June, 2006, the HDC awarded a contract to Home Construction Limited, HCL, to construct a seven-storey apartment building, comprising 84 apartments on seven floor levels.

Each floor level contains 12 apartments. The original contract completion date was September 2007. Subsequently, the HDC awarded, separately, contracts to three other contractors: Trintec Electrical Services Company, on April 27, 2007, for the building electrical works; Cudjoe Plumbing and Steel Contractors Limited on April 27, 2007, for the building plumbing works and RBP Lifts Limited, on November 27, 2008, for the supply and installation of elevators.

These contractors worked independently and were not nominated or contracted to HCL. This meant that four contracts were managed by the HDC on a single site. In addition to the above, there were other major construction and/or contractual issues, which affected the completion of the apartment building works.

These were: variations and omissions in scope. In January 2008, the Housing Development Corporation decided that an additional floor should be added to the existing building, thereby increasing the number of floors from seven to eight and the number of apartments from 84 to 96. The apartments on the eighth floor were similar to those on the lower floor. This change impacted on the overall scope by increasing the facilities and services requirements increasing the project cost and delaying the completion period.

Omitted from the scope of works were external works required to complete the development. These works included construction of external structures and civil and mechanical and electrical infrastructure works they were excluded. Car park facilities were excluded. Retaining walls, underground water storage tank, perimeter walls, fencing, storm water drainage systems were all excluded from the original scope of works.

Paving and associated sub-base and base works, lighting, guard booths, garbage disposal area, landscaping, they were all excluded from the original scope of works; external site works, footpaths, sidewalks, underground drains, exit lay-by from site to highway.

So, Mr. Speaker, at several of these sites, the HDC, prior to 2010, embarked on a process of issuing contracts naming contractors, but leaving out from the scope of works fundamental work of an infrastructure nature and of an amenities nature from their scope. This resulted in severe delays and also overruns of the cost at that time.

Up to November 06, 2012, there were four separate contracts for the building works at this site, and I will just remind you of the full name, at the Chaconia Crescent. Up to November 06, 2012, there were four separate contracts for the building works.

Home Construction Limited dealt with the building structure. This contract was awarded in June 2006. Trintec Electrical Services Company dealt with building electrical works; contract awarded on April 27, 2007. Cudjoe Plumbing and Steel Contractors Limited, they dealt with building plumbing works; contract awarded on April 27, 2007; and RPB Lifts Limited, supply and installation of elevators; contract awarded on November 27, 2008.

This project delivery method, namely, the absence of a main contractor and/or the non-appointment of a construction management team was not conducive to the successful completion of the apartment building works.

**1.45 p.m.**

This approach merely led to conflicts with respect to security, insurances and effective coordination of the four contracts. There were occurrences of theft and pilferage of electrical and plumbing items, and damages to the works by different contractors which caused delays in the respective contractual works—it was difficult to determine the responsible contractor because there was no main contractor. Incomplete designs, drawings and bills of quantities for each contract—numerous claims and requests for additional construction information were received from each contractor arising out of incomplete or design deficiencies.

The request for additional construction information were received on a weekly basis and included requests for drawings, details, design clarification, missing information. The above request from the contractors were deemed valid in almost

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all instances and were due to deficiencies in the design, drawings and bills of quantities. This invariably caused delay and increased the time for completion by the respective contractors.

Mr. Speaker, I say this because our friends opposite like to boast about 5,000 units per year, 10,000 units per year, and how much we are building and how much they built, but they failed to indicate to his country that they had serious deficiencies in design—[*Interruption*]

**Hon. Member:** No statement.

**Hon. Dr. R. Moonilal:** This is not a statement, I am answering a question. They failed to indicate the problems with design, the failure to have a scope of works that included all the works and the complete confusion of having five contractors on the same site without a main contractor.

Mr. Speaker, consequent to the project delivery methodology, the completion date for each contract was dependent on the completion date for the other. This at the time, the Minister of Housing was the very distinguished Leader of the Opposition. Therefore, one contractor depended on the other to finish his work and this led to further delays when the contractors kept coming every Monday morning at the HDC to ask for more information. Therefore, slippage in one contract delayed the other contract and it was a time-consuming process to unravel the various interlocking contractual issues, and arrive at a satisfactory resolution.

Scope of works for completion of the Chaconia Crescent housing project, revised project delivery. A project delivery mechanism was devised to ensure completion of the entire project within the shortest possible time frame. The various stages were as follow: termination of the various contracts, securing the site, review the scope of residual and outstanding building works, prepare tender documents for the residual and outstanding building completion works, complete the designs, drawings and bill of quantities and tender documents for external work.

You think is one mess we had to clean up left by our colleagues opposite?

**Mr. Ramadhar:** They had no garbage disposal?

**Hon. Dr. R. Moonilal:** No, well we disposed of them and they left no garbage disposal. Mr. Speaker, we had to combine the tender documents for the building completion works and the external works into one package. We had to invite tenders, evaluate tenders and award a contract, one contract, to complete the

building and the external works using one main contractor who may have subcontractors.

The scope of works which is required for the completion of the project comprises building completion works and external works, and are described as follow: in terms of building completion works, installation of vanities, ironmongery—whatever that is—door frames, windows, building finishes, grano skirting tilings, finishes, walls, ceiling, external and internal painting, screening, transformer room, building apron, guttering, down pipes, installation and commissioning of two elevators, installation of electrical and plumbing fittings and fixtures.

In terms of the external works, these include construction of external structures and civil, mechanical and electrical infrastructure works, namely, car park facilities for 102 spaces, retaining walls—Mr. Speaker, this was very critical in those places. I outlined before that there are some housing estates that were established, such as in Wellington and in Retrench, and it was when persons already went there to live that all the mud and hills kept tumbling on the houses in Retrench. The housing units at Wellington which was opened by the Member for Diego Martin West, he went there and turned the sod. That was his pet project at Wellington. His legacy was that housing units kept moving because they were not retaining walls.

**Hon. Member:** And he is a geologist.

**Hon. Dr. R. Moonilal:** That is the geologist.

So, Mr. Speaker, we had to invest in retaining walls, underground water storage tanks, perimeter walls, fencing, storm water drainage system, paving and associated sub-base works, lighting, guard booths, garbage disposal area, landscaping, external works including footpaths, sidewalks, underground drains, exit lay-by from site to highway. This housing project, Chaconia Crescent, was retendered and an award of contract for building completion and external works was made in April 2014, trying to clean up this monumental mess left there. Works are scheduled to be completed by March, 2015.

Mr. Speaker, the housing project named Vieux Fort: project completion date, October, 2015. The Vieux Fort housing development project is located at Fort George, St. James. This project comprise of 125 apartment units in four building blocks. The scope of works, initiated by our friend from Diego Martin West, he struck again here, the scope of work excluded all the external works required—*[Interruption]*

**Miss Mc Donald:** Read what you have there.

**Hon. Dr. R. Moonilal:** It says here that the former Minister of Housing is at fault. [*Laughter*] Mr. Speaker, my friend is getting excited because this is a housing project in her constituency that the Leader of the Opposition messed up when he was the Minister of Housing—[*Interruption*]

**Hon. Member:** That is not true. That is not correct.

**Mr. Speaker:** Please. Please.

**Hon. Dr. R. Moonilal:** But you were nowhere on the compound, how you know that?

Mr. Speaker, the scope of work excluded all the external works required to complete the project. It excluded site services infrastructure, water system, sewer system, electricity lighting, CCTV, security and communications, excluded transformer pads, excluded guard booths, perimeter fencing, garbage disposal area, excluded multistorey car parks, excluded electrical pull boxes and manholes, excluded retaining walls, entrance for the gate—Mr. Speaker, they designed a housing estate and had no entrance for cars to enter the housing facility. It excluded entrance gates, underground water storage tanks, excluded storm water drainage systems, concrete drains, catch pits, culverts, excluded potable water supply structures, car parking at grades, asphalt, concrete roads, driveways, those were excluded, landscaping, recreational areas, retaining walls, excluded.

In September, 2004, an external project construction manager was engaged to procure and engage contractors on behalf of the HDC. The consultant was paid on a reimbursable basis. The HDC directly engaged the services of a design consultant for the project. On December 12, 2008, an injunction was filed against the HDC by the owner of the neighbouring house, claiming that one of the buildings was obstructing light to her home. In 2008, somebody took the HDC to court saying that the building was obstructing the light from her home. [*Interruption*]

**Hon. Member:** That one is true—

**Hon. Dr. R. Moonilal:** That is true, yeah.

The order of the High Court restrained the Housing Development Corporation from continuing the erection of building B, located on the southern side of the claimant's house. Now, Mr. Speaker, today, the HDC goes to construct in Trestrail, goes in Indian Walk, goes to Couva, we bring all the community

members together before and have consultation with the communities. We are doing this in Trestrail now where they make their concerns known, whether it is a concern with dust in the area, heavy trucks passing, employment in the area that they want, but here it is that you start construction, put up a big building and somebody takes you to court to say it is blocking the light.

These are matters, with proper management and direction, you engage the members of the community before, showing your design, showing your buildings, so that lady would have come before and say, “Hello, if you”—[*Interruption*]

**Mr. Speaker:** Please. Please.

**Hon. Dr. R. Moonilal:** The woman was malicious; that is what the Member for Port of Spain South is saying—an ordinary citizen, your constituent. In fact, the Member of Parliament should have engaged the members of the community, show them their designs and so on, and invite them to make comments. So somebody would tell you that if this building is erected on this site it will block the light, “I will not get light to read” or whatever, but, you see, this is the problem. They constructed buildings for millions of dollars and then had to go to court because somebody said the building blocking light, and it is taxpayers’ money that gone.

Mr. Speaker, a final ruling by the court is expected by September 2014, so this effectively halted the majority of works on the site. In 2010, it was determined that the current project delivery method was deficient and could not complete the project as unauthorized design changes were made, and there was a lack of oversight regarding the construction costs, a lack of oversight. So, Mr. Speaker, revised project delivery for Vieux Fort housing project: subsequently, it was decided to recommence work on the project, excluding building B, which is blocking the light as alleged, from the scope, but provide provisional sums in the extent that works are allowed to proceed on building B. The following steps were taken: engagement of a Consultant Project Manager on January 30, 2012; their work consists of, but is not limited to, finalization of the final accounts of all consultants and contractors, preparation of a revised tender package for the building completion and external works, construction management services upon commencement of construction, which is scheduled for September 2014. Finalization of all consultants contracts—final accounts were finalized for all consultants in the previous phase of the project. The new contracts included fixed sums based on specific deliverables. This provided for effective monitoring of the consultants to ensure that the consultants are paid based on the relevant specific deliverables and are not paid as a percentage of the overall construction costs as

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was done in the previous contracts.

Mr. Speaker, in terms of tender of the building, completion and external works: engagement of a main contractor; the project delivery method is design-bid-build, using the FIDIC general conditions of contract for construction, First Edition 1999, for building and engineering works designed by the employer, which is normally called the “Red Book”. One main contractor will be engaged to complete the building, completion and external works, including all services still required to complete the building. In terms of the current status of Vieux Fort housing project, tender packages were issued and returned for Vieux Fort building completion and external infrastructure works. An award of contract is expected to be made by the end of 2014.

Mr. Speaker, may I remind you, this is one of the messiest contract for housing left by the former PNM Minister of Housing, the Member for Diego Martin West. The scope of works for completion of the Vieux Fort housing project included building completion works only on blocks A, C and D. As I said before, we cannot work on block B, it is the subject of this court action where somebody is complaining that the building is blocking their light. These works comprise air conditioning infrastructure to each apartment, sprinkler system, floor, wall and ceiling finishes, windows, bathroom finishes, doors, kitchen cupboards, handrails, mouldings, roofing, masonry, lifts, concrete works, completion of steel framing for roof on block D; external works comprising site services infrastructure, water system, sewer system, electricity lighting, CCTV, security system and communications, structures, transformer pads, guard booths, perimeter fencing, garbage disposal areas, multistorey car parks new buildings, completion of existing building, electrical pull boxes, manholes, retaining walls, entrance gates, underground water storage tanks, storm water drainage system, concrete drains, culverts, water storage structures, car park at grade, asphalt/concrete roads, driveways, landscaping, recreational areas; all these areas were left out of the original scope of works, and we are now re-scoping to work on buildings A, C and D, given the problems with building B.

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

**2.00 p.m.**

**Dr. Browne:** Supplemental. Mr. Speaker, may I proceed?

**Mr. Speaker:** Yes. Yes. You go ahead, you have the floor.



**Dr. Browne:** Thank you. I thank the Minister for his response. He mentioned access roads in his primary answer and the issue of consultation. My question is, is the Minister aware that there is an ongoing controversy with respect to the access road for the Victoria Keys development, caused in part by reluctance to use the site for the National Aquatic Centre, the proposed site for the National Aquatic Centre as an access area? HDC is proposing to pass all the residents for Victoria Keys—[*Interruption*]

**Mr. Speaker:** That is a statement, just ask the question, please.

**Dr. Browne:**—through Powder Magazine, Phase II. And there is the issue of consultation. Can the Minister ensure immediate consultation, the members of Powder Magazine, Phase II, and resolve that particular issue?

**Hon. Dr. R. Moonilal:** Mr. Speaker, if the Minister was not aware, he is aware now of the details. We are aware, at the HDC, of the matter, and the HDC is working with all the stakeholders to resolve this matter quickly.

**Mr. Speaker:** All right. The hon. Member for—we have a question in the name of the Member for Port of Spain North/St. Ann's West.

#### **Community Centres (Rehabilitation/Construction of)**

**180. Miss Marlene Mc Donald** (*Port of Spain South*) on behalf of Mrs. Patricia Mc Intosh (Port of Spain North/St. Ann's West) asked the hon. Minister of Community Development:

Could the Minister indicate when will the Community Centres in the Blanca, Upper Cascade Main Road and McKai Lands, Belmont be rehabilitated/constructed?

**The Minister of Community Development (Hon. Winston Peters):** Thank you very much, Mr. Speaker. The answer to question No. 180 is as follows: The community centre located at Cascade Valley Road is not currently listed for rehabilitation or construction. The centre will be rehabilitated as soon as funds become available to the Ministry.

With respect to the McKai Lands, Belmont, the Ministry's records and investigation revealed that there is no existing centre at McKai Lands, Belmont.

**Mr. Speaker:** Do you have a supplemental?

**Miss Mc Donald:** Yes, a supplemental. The question says, when will the community centres in these areas be rehabilitated or constructed? So therefore, the

question begs, if there is none, would there be construction of a community centre in the particular area? Can the Minister—

**Mr. Speaker:** Hon. Minister, would you like to respond?

**Hon. W. Peters:** Well, Mr. Speaker, I do not know if there is anything to respond to.

**Mr. Deyalsingh:** It is a question.

**Hon. W. Peters:** What is the question? That was not the question that you asked me.

**Mr. Speaker:** Please. Please. Please. Allow the Minister—

**Hon. W. Peters:** Mr. Speaker, I am afraid that that is a new question, and I will answer it as soon as the question becomes available and properly posed. Thank you.

**Mr. Speaker:** Let us go, please.

**PLANNING AND FACILITATION OF DEVELOPMENT BILL, 2013**

[Second Day]

*Order read for resuming adjourned debate on question [July 11, 2014]*

That the Bill be now read a second time.

*Question again proposed.*

**Mr. Speaker:** Now when we adjourned on the last occasion, the hon. Minister of Planning and Sustainable Development had begun his wind up of the Bill and spoke for 11 minutes. He therefore, has 34 minutes of original speaking time remaining. The hon. Minister of Planning and Sustainable Development. [*Desk thumping*]

**The Minister of Planning and Sustainable Development (Sen. The Hon. Dr. Bhoendradatt Tewarie):** Thank you very much, hon. Speaker. I thank you for the opportunity to continue my closing presentation on the Planning and Facilitation of Development Bill, 2013.

Mr. Speaker, it is easy to craft arguments to win a point or to sway opinion, it is much more difficult to craft substantial arguments that come from deep thought, and are essentially unassailable. Many of the arguments from the other side, which I will address, fall into the first category.

In presenting the Bill I tried to locate the Bill in the context of the philosophy and

policy perspective, Mr. Speaker, of the People's Partnership Government, and I connected strategies such as growth-pole development, economic zone delineation, local economic development strategies within the context of a national spatial strategy and regional plans in order to link the Bill, to link ideas about spatial development thinking, as well as economic initiatives, and so to demonstrate the link between planning and development in the country.

I will spend some time in this closing presentation, Mr. Speaker, with your permission, to respond to some of the issues and arguments made by Members on the other side, but before doing that, I do want to give the frame and context and other important considerations in the Bill. I will be very brief on this.

The Bill is indeed about decentralization. The Bill is also about devolution of authority, and it is also about integrated planning for development. And all of this is conceived within the context or framework of sustainable development. The Bill also does call for structures which do indeed share power in a way that might not have been done before. The Bill also does pay attention to regions, and to communities, and does acknowledge that residents in a community, as citizens, do have rights and that developers cannot ignore these rights.

The Minister, in the Bill, indeed has residual powers at all times, but power and responsibility are also spread with clear lines of responsibility, and this seems to be the source of some confusion. So, the Member of Parliament for St. Joseph, for instance, feels that the committee's structure as outlined in clauses 8, 9, 10 and 11, is mixed up and confusing. But let me share the facts, and those 7, 8, 9, 10 have to do with functions of the National Planning Authority, duties of the National Planning Authority, and ministerial directives.

Under clause 7(1), the responsibilities given to the NPA including subclause (g), these outline the development regulation process for complex development where professionals become involved in the filing process. Under clause 11(1)(a), the Bill requires the NPA—that is to say the National Planning Authority—to appoint a development control committee, and three other standing committees under (b) of the same clause 11. These committees deal with the National Spatial Development Strategy, codes and standards and land policy. The reason for this is simple, the NPA cannot be expected to deal with everything in plenary, and so, in the Bill, the NPA is given the power to deal with specialized aspects of the NPA's work, and these are subcommittees therefore, that are accountable to the NPA, the National Planning Authority. Obviously, what this will do is make for division of labour, greater clarity of purpose, and greater efficiency.

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The development control committee is important. It will set the parameters and terms for any complex development. Indeed, at the Ministry of Planning and Sustainable Development, even now, we do have functioning a complex application facilitation committee, and this allows for interaction between all the key State agencies and developers, so that issues can be resolved in collaboration, you might say. So, the development control committee is for the purpose of coordinating and integrating the various agencies at national level which traditionally has operated in silos.

At the municipal level this is already established under the Municipal Corporations Act of 1990, and has, in fact, been functioning, Mr. Speaker. The development control committee therefore, will be a mechanism for integrating the key decision-making officials, at the same time in one place, so that collaborative decisions can be made in the interest of sustainable development of a part or the whole of the country.

The development control committee will have the power to make binding decisions on behalf of all the agencies named on the committee; that is as it should be. The alternative would be to have the developer go to each institution in turn, the source of much frustration now. There will be an administrative mechanism to process actual decisions which is the norm in any bureaucracy, and that is why powers are delegated with guidelines to officers such as the Director of Planning, and the Chief Building Officer.

The Member for St. Joseph should note that the NPA and the key officers identified in the Bill are subject to the Integrity in Public Life Act. I think you asked about that, hon. Member. The MP for St. Joseph will perhaps be happy to note that OSHA is included—that is to say in the committee—so that in the future we may be able to avoid issues such as the immigration building issue which he mentioned. And, I think, the Member for Tabaquite on this side, addressed this issue, and I want to thank him for presenting the arguments very well indeed.

Another issue was raised having to do with the Environmental Commission, and the Member wondered whether in fact, a special court should not be created. And all I would say to this is that, if we created a special court or a special entity to deal with contentious matters with every piece of legislation, we would really never see the end of it, and we will get very few things done.

The Environmental Commission already exists, so we will give it the volume of cases to allow it to function efficiently. In clause 4, the Bill makes consequential amendments to the Environmental Management Act, and this is to

facilitate its efficient functioning. And the EC would be enhanced to include new members with the technical competencies to handle planning—you can see this in 82(3)—as there are already competencies in engineering matters.

The issue of the road level was raised—clause 29(2)(b). Road development is not considered development, but when there is paving upon—development in the sense of having permission to do it, but when it affects drainage and sidewalks, causing difficulty for persons to enter into their properties, et cetera, it is an issue. In some areas, rather than the water flowing from the properties into the drains on the road, the road is so high that it flows into the peoples' properties from the road, and they then have to build walls and embankments to address this. This could be rectified by using the acceptable state of the art procedures of milling. And I think, MP Imbert, if he were here, would be well aware of this kind of approach. If the road authority wants to do a road improvement programme in which the level is to be increased, then they must demonstrate that it would not negatively impact the citizens. This is to prevent the State from acting irresponsibly.

So the legislation is not just for private property owners. It also addresses issues in which the State could be in breach and in which the citizen is at the centre of our people's development strategy.

**2.15 p.m.**

Now, the issue of where to post a notice, that also became an issue. Notice of an application or approval would be specified by regulations or a development order to suit the type of development. This section of the Act, 33(1) gives the options. For example, a local building may suffice with a notice on the lot, but a major development that has national consequence, such as a complex application with wider impacts may need to be published in the newspapers so that everybody is aware of what is going on. The intention is to protect the public and the community against problematic development, and that type of notice is specified in section 38(1).

The Members seem to support the idea of registered professionals becoming involved, so I would not deal with that. The MP for Arouca/Maloney raised some issues about transparency and so on, and she supported the provision on information being given to the public. But she was concerned about the Minister determining remuneration for members of the committees. That really is not a problematic issue. This is done via a set of general guidelines. It has to do with the classification of boards which is a standard procedure in the system and

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committees and these things are normally agreed by Cabinet and supervised by the Ministry of Finance and the Economy.

The issue of qualifications of heads of departments was raised, and it would be very difficult to do more in the body of the legislation without encumbering the authority—that is to say the NPA—in filling these posts. When you say 10 years post qualification experience, it means first of all that you have to have the relevant qualifications and then a minimum level, in this case 10 years that you have after you have been qualified.

So, I do not think that is an unreasonable qualifications requirement, and to make it more stringent than that would make it very, very difficult to find people, really. The policies related to property taxation—is a property taxation regime being reintroduced? No, this is only an advisory role as part of a broader set of land policies that are set by the NPA. If you are dealing with land you might as well deal with a number of issues that fall within the context and jurisdiction of the development of land.

The municipal authority should leave its delegated powers with a committee. Do not delegate to an individual. This depends on what is being delegated. Some specific technical functions may be better suited to an individual while oversight or policy may be better with a committee.

MP Imbert, he raised the issue of \$20,000 and six months. I want to say that this is a maximum and would be applied by the EC or the Magistrates' Court based on the specifics of the particular case. He supports also the introduction of the role of professionals in the regulatory policies, and the thing that he had the biggest problem with, was the five-year limitation on approvals to start construction. I want to say that this is clearly policy of the Government of Trinidad and Tobago. This is subject to an extension under section 40. So, it is not five years only. You can get an extension and, in fact, that process exists even now, that you can get an allotted time and you can apply for an extension, so there is no real variation there.

The reason that you set a limit is because you want to give the State the chance to review, because material conditions may change, environmental considerations may change, and he thinks the timing is too tight. But five years is a reasonable time and if you get another five years, that is 10 years. At the present time an application to extend an existing outline application will be renewed in the same way, only rarely would it be withheld or changed.

The requirement under section 40 is not a full reapplication, but simply a request for an extension which would make use of all the previous work in getting the original approval, a prescribed form would clarify this. And, as usual, it was presented in a way that was quite alarmist as if you were preventing the developer from carrying out a permission already granted, so that you were taking away something from him, but nothing could be further from the truth.

There is no deviation between what we are doing in this Bill and what exists at the present time, and there is no onerous requirement on the developer for anything. But I do want to say this, that the section is indeed intended to set some constraints on the speculation of land—land speculation then. It is also intended to prevent the State from not being able to grant legitimate approvals from other applicants where the existing approvals may have been allocated, part of a limited amount of a particular use in a particular area.

So, it is to protect not just the rights of one developer, but the opportunities for the other. This regulatory induced blight on development has been recognized by other authorities such as the UK and Canada, which have set similar limits. So, I mean, it is not like we are pulling something out of a hat.

MP Imbert argues that we are not so here, that is to say the culture. A lot of his argument was premised on culture, which, in a sense suggests that we must continue to promote all the present problems with the existing system. So, my own feeling is that one has to be reasonable about this. You are trying to create a different culture, you are trying to change habits; you are trying to do sustainable development, you are trying to do orderly development, and there must be rules to which people conform in the development process.

He made the point that all simple development should simply go to the NPAs. I mean, that is what this Bill does. In fact, 80 per cent, he said 70 per cent, but we have calculated about 80 per cent to go to the local authority, and I think Minister Rambachan dealt with that, because when he was Minister of Local Government, we had a number of conversations about how this would happen and what we would need to do to manage this. And with the current Minister of Local Government, we have also continued that conversation to make sure that there is an easy transition.

Mr. Speaker, there are other issues that were raised but, as I said, besides the issue of confusion about the different roles, which I have sought to clarify, because those are clear, besides the issue of the five-year limitation which is nothing different from what exists now and which protects the State and other

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developers, there really was no issue of significant substance raised that would cause us to rethink anything about the Bill.

This Bill has gone through several iterations, it has gone through a long period of time; it has been through the committee process, and it has gone through a number of amendments. The Bill we present to this honourable House is a very good Bill, well thought through, dedicated to sustainable development in the country and creates the structures that are necessary to make this possible.

Mr. Speaker, with that, I beg to move. [*Desk thumping*]

*Question proposed.*

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in Committee.*

**Mr. Chairman:** Are we ready? May I advise or seek the indulgence of the House that there are about 113 clauses. There are, I think, 10 parts, 113 clauses and five schedules. I would like to suggest that we take this Bill in parts. So, Part I, part II, and we deal with the clauses as we go along. There are some amendments before this honourable House, we would pause when we reach to those amendments.

*Clauses 1 and 2 ordered to stand part of the Bill.*

**2.30 p.m.**

*Clauses 3 and 4 ordered to stand part of the Bill.*

*Clauses 5 to 12 ordered to stand part of the Bill.*

*Clause 13.*

*Question proposed:* That clause 13 stand part of the Bill.

**Mr. Chairman:** There is an amendment in your name.

**Mr. Deyalsingh:** Thank you, Chair. We have some concerns on clause 13(2)(a) and 13(2)(b) in that, the legislation that is currently drafted is very wide, so that if I have, let us say, a degree in history and I do one course in planning, on a very wide interpretation of this I could qualify for this position. It is the



Oppositions position that we want to support this legislation but we want to tighten the qualifications for the Director of Planning as circulated:

“The Director of Planning who shall have a recognized professional degree in Regional and Urban Planning with at least 10 years post-graduate experience and be a member of the Trinidad and Tobago Society of Planners.”

And that would give that person, you know, the foundation and the authority to act in the name of this Bill.

So we really will like to see qualifications pertaining to this job, because, Mr. Chairman, it was this Government who objected to a particular appointment to the Central Bank, and we want to avoid that again by tightening up the qualifications for important posts.

**Dr. Tewarie:** Mr. Chairman, the clause referred to as exists in the Bill said that in section 13(2)(a):

“the Director of Planning who shall have qualifications, and at least ten years’ post-qualification experience, in urban and regional planning;”

I do not see the need to reformulate it in this way, and in (2)(b):

“the Chief Building Officer who shall have qualifications, and at least ten years’ post-qualifications experience, in engineering...”

Again there is absolutely no reason to change it or alter it, to reformulate it—  
[*Interruption*]

**Mr. Deyalsingh:** Chair, if I may, with all due respect, “experience” is different to “qualifications”. We are experienced legislators but we cannot go and practise law; we make law but we are not lawyers. So you can have a university degree in history and have worked in urban planning. That is totally different to having a professional qualification in the field.

**Dr. Tewarie:** Qualifications is the key word, which is—you assume that is qualifications in the field. We could not go and put every single qualifications for every person that one might, you know, attract to a certain post, and what this does is very clear, building is related to engineering, the other one is related to urban and regional planning, et cetera. I mean, and one would assume—there is no reason really to change.

**Miss Cox:** I would like to voice my disagreement with that to, because it is wide. What does post-qualification mean? Are you saying, is it a post-graduate

qualification or the person should have a degree, because nowhere there states whether it is a degree or postgraduate qualification. Post-qualification, what does that mean?

**Dr. Tewarie:** Post-qualification means that you have the qualifications in the field to apply for the job in the first place. [*Interruption*]

**Mr. Chairman:** Just now, one speaker.

**Dr. Tewarie:** It is the post-qualification experience. So besides having a university degree or a postgraduate degree you have so many years of experience in the field.

**Miss Cox:** I think, Mr. Chairman, that it should be spelt out. It should be made clear, saying somebody should have post-qualification experience, still does not tell me that they are supposed to have a degree or a postgraduate degree. It is not clear.

**Mr. Chairman:** Before you speak, I recognize—[*Interruption*]

**Dr. Tewarie:** It says, “qualifications, and” in the text of the Bill.

**Mr. Chairman:** Before you speak Member for Port of Spain South, St. Joseph.

**Mr. Deyalsingh:** I just want to ask the hon. Minister that, is it feasible, is it possible, the way clause 13(2)(a) is drafted, that if I have a medical degree and I worked in the planning authority for 10 years, therefore I have the experience in urban and regional planning, would I qualify for this post? And that is the problem. We want a qualification in the field, a professional qualification in the field relating to urban and regional planning. And then with the experience based upon that first degree or first qualification, because the way this is drafted anybody who went to, let us say, extramural and did a diploma with a two-hour credit course in planning can conceivably be appointed the director of planning, and the Minister knows what I am speaking about.

**Mr. Chairman:** I recognize Port of Spain South.

**Miss Mc Donald:** Question to the Minister. Minister, have you looked at this amendment submitted?

**Dr. Tewarie:** I have it before me.

**Miss Mc Donald:** All right. Looking at clause 13(b), if you look at the amendment there, do you have any concerns or would you be willing to recraft

your subclause (b) utilizing this new segment which to me is much clearer and more acceptable it?

**Dr. Tewarie:** No, only if it made a substantial difference to what I had—

**Hon. Member:** But it does.

**Dr. Tewarie:**—that would add to the clarity.

**Mr. Chairman:** Please, allow the Minister to speak please.

**Dr. Tewarie:** It says, “the Chief Building Officer who shall have qualifications,…”

**Mr. Deyalsingh:** Director of Planning—sorry.

**Miss Mc Donald:** No I am looking at 13(b).

**Dr. Tewarie:**—the hon. Member raised (b)—[*Interruption*]

**Miss Mc Donald:** That is right, that is correct.

**Dr. Tewarie:** Okay, “the Chief Building Officer who shall have qualifications, and at least ten years’ post-qualification experience, in engineering; and” so on and so on. I mean it is very clear. [*Crosstalk*] Mr. Chairman, with your permission we would like to proceed.

**Mr. Chairman:** I recognize the Member for Diego Martin Central.

**Dr. Browne:** Thank you, Chairman, and I hear the Member is very anxious to move on, but I want to support the submission of the Member for St. Joseph and others who have spoken on this issue. This type of concern has arisen on a number of Bills thus far in this period, where the Government appears, for some reason, to be very reluctant to be more specific. This law gives us an opportunity, the Minister has indicated he wants to improve the situation, an opportunity to be more circumspect. I beg to disagree with the Minister when he is saying that the proposed amendments is not substantially different to what he has in the clause, it is very different. And the key difference is that the Minister is just using the term “qualifications” and which—[*Interruption*]

**Mr. Chairman:** Please, please, Members, allow the Member to speak.

**Dr. Browne:** Yes, thank you—a certificate, a diploma, a course, all of those can be considered as qualifications, and I heard the Minister say whatever qualification someone who applies for the job thinks he has, or something like that. I do not think that that is acceptable, and the emphasis on this side is to

establish at least a minimum threshold of qualifications. So the word “qualifications” is just wide open, a minimum threshold in the case of the amendment circulated is that minimum threshold is a professional degree. I do not know if the Minister thinks someone with less than a professional degree should be eligible for this position. I am not sure he would need to clarify.

**Mr. Chairman:** Any other Member from the Opposition who would like to intervene before I refer to the Member for St. Joseph, because I am allowing Members to speak first, and then I will ask the hon. Minister to summarize, and then I am going to put the question.

**Mr. Deyalsingh:** Well, I thought we would have taken “Director of Planning” separately from “Chief Building Officer”. So I will go now to Chief Building Officer—

**Mr. Chairman:** Yes.

**Mr. Deyalsingh:** And to show you why the way it is crafted it is dangerous. The way it is crafted says:

“The Chief Building Officer who shall have qualifications, and at least ten years post-qualification experience, in engineering;...”

Now, Mr. Speaker, the Minister will know engineering, you have different types of engineers. You have chemical engineers, you have civil engineers, you have electrical engineers. Is it that a petroleum engineer or a chemical engineer would qualify for this post? That is why we are submitting the amendment to read:

“The Chief Building Officer who shall have a recognized degree in a building or construction related field”—for example, civil engineering or structural engineering—“and at least 10 years post-graduate experience.”

Because the way this is drafted a chemical engineer or a petroleum engineer would qualify for this post. And we do not consider that to be desirable.

**Mr. Chairman:** Could I ask the hon. Minister to speak.

**Dr. Tewarie:** Chair, we have a disagreement, but I think the position of the Government and the position as articulated in the Bill is very clear. Clause 13(2) reads as follows:

“The National Planning Authority shall employ suitably qualified persons as heads of departments...”—okay.

So it assumes professional qualifications.

**Miss Mc Donald:** “Nah.”

**Mr. Chairman:** Please, please, allow the Member to speak. Please, let us have one meeting, “nah.” We cannot have the hon. Minister speaking and you speaking at the same time, it does not make sense. Continue.

**Dr. Tewarie:** The style of the writing of the legislation is by the CPC and the CPC’s office under the Attorney General. And subclause (2)(a) says:

“the Director of Planning who shall have qualifications, and at least ten years’ post-qualification experience, in urban and regional planning;”—very clearly identified field for this post.

“(b) the Chief Building Officer who shall have qualifications, and at least ten years’ post-qualifications experience, in engineering;...”

And I want to say that at the committee stage we went through a number of things about civil engineering, structural engineering, et cetera, and it was felt at the end that it would be best to leave it as it is. And on that basis I would like to argue the case for moving forward, Sir.

**Mr. Chairman:** There appears to be a fundamental disagreement and the only way we can resolve that is by putting it to the vote, okay. I will give you your final input and then I am going to put it to vote.

**Mr. Deyalsingh:** Chair, just to state that no one from this House was a member of that committee.

**Mr. Chairman:** Which committee?

**Mr. Deyalsingh:** Of that select committee. That was a Senate select committee, none of us were there and we are the practitioners.

**Mr. Roberts:** But Faris was there. “Once Faris dey all ah all yuh dey.”

**Mr. Chairman:** All right, please, please, hon. Members, there is a disagreement, I am going to put the question.

*Question put and agreed to.*

*Clause 13 ordered to stand part of the Bill.*

*Clauses 14 and 17 ordered to stand part of the Bill.*

*Clauses 18 and 28 ordered to stand part of the Bill*

**2.45 p.m.**

*Clauses 29 to 34 ordered to stand part of the Bill.*

*Clause 35.*

*Question proposed:* That clause 35 stand part of the Bill.

**Mr. Deyalsingh:** Thank you, Chair. Chair, the hon. Minister spoke about decentralization, and we support him in that. And to support him in decentralization and to support this piece of legislation we want to suggest that all residential or domestic dwelling applications go directly to the municipal corporations. That is what we are proposing, to insert a new 35 (i) after 35 (h) to allow and to give life to this decentralization thrust, which we support.

**Mr. Chairman:** The hon. Minister.

**Hon. Dr. Tewarie:** The reason we cannot do it now is because there is a proclamation phase to this Bill and a lot of work has to be done in preparing for this, including strengthening the local government authorities and the local entities for this decentralization process to work effectively, and this would be the appropriate way to deal with it.

**Mr. Deyalsingh:** Then may I suggest that we simply do not proclaim that section? Put it in.

**Mr. Chairman:** The hon. Member for Port of Spain South.

**Miss Mc Donald:** Mr. Chairman, I heard what the Member said about there is a proclamation date and therefore that would be down the road, which will allow the Government—if you are still there—the time to put things in place before a proclamation date. But what I am saying is, we have had a very bad experience in this Parliament with the proclamation date.

**Hon. Dr. Tewarie:** Under your Government, yes.

**Miss Mc Donald:** We have had a very bad experience—not under my Government. Just in 2011/2012 we had a very bad experience in section 34 with the Indictable Proceedings Bill and, therefore, I have to agree with my brother from St. Joseph—*[Interruption]*

**Mr. Chairman:** Hon. Member, “it have no brother here”—Member.

**Miss Mc Donald:** Yes—the hon. Member for St. Joseph with respect to—I cannot agree with the Minister—

**Mr. Chairman:**—of Planning and Sustainable Development.

**Miss Mc Donald:**—with respect to, there is a proclamation date and therefore we will not amend at this point in time. We would like you to give consideration to it, Sir.

**Hon. Dr. Tewarie:** No, I did not say that. I was responding to the issue of decentralization that he raised, and what he was asking—the Member for St. Joseph, I mean—which is that the immediate movement of applications to the local government authority. But even in this thing here, 35(h) which he is asking, I think he is asking for an insertion in the wrong place. I think there is an error here.

**Mr. Deyalsingh:** Even if it is in the wrong place, are you willing to insert it in the correct place so that we can have the amendment to decentralize to the local government bodies and you determine when that section will be proclaimed?

**Hon. Dr. Tewarie:** All simple applications, Chair, are already destined for the local authority and there is no need to be redundant in the matter.

**Dr. Moonilal:** It is a fundamental disagreement, I think.

*Question put and agreed to.*

*Clause 35 ordered to stand part of the Bill.*

*Clauses 36 to 38 ordered to stand part of the Bill.*

*Clause 39:*

*Question proposed:* That clause 39 stand part of the Bill.

**Mr. Deyalsingh:** Thank you, Chair. To the hon. Minister, when you were piloting, I think the word “development” was used to encompass both large-scale development, let us say Invader’s Bay, and housing development, individual houses. The five-year stipulation, as we said during the debate, seems to be too tight and we would like you to consider going to eight years to be read in conjunction with section 40 lower down. This would give individuals a longer time to develop their lands, whether it is to build a dwelling house or to build a plaza. I do not think it will hurt to give us that leeway from five to eight years, the reasons being, it is already on the *Hansard*. We pointed it out during the debate.

**Mr. Chairman:** Hon. Minister.

**Hon. Dr. Tewarie:** Chair, I spoke to that particular issue in my winding up and I indicated that it was Government policy, and I would like to point out to the

hon. Member for St. Joseph that clause 40, in fact, provides the opportunity for an extension, which would, in fact, be more than eight years—10 years. So there is no real reason to extend the first one.

**Mr. Deyalsingh:** Chairman, if I may just ask the hon. Minister, is it that you are not going to accept any amendments today? You could tell us now and we will just stop. Is it that you are not willing to entertain any amendments? If you could just tell us because everything we have brought—*[Interruption]*

**Mr. Chairman:** There appears, hon. Member for St. Joseph, to be a disagreement—*[Interruption]*

**Mr. Deyalsingh:** No, I am just asking if you are—*[Interruption]*

**Dr. Moonilal:** Let me say that we are hearing you on your amendments and we can discuss, which we are doing now. If the Government feels there is sufficient merit, we can consider, but because your amendments are rejected, that does not mean the Government intends to reject you.

**Mr. Deyalsingh:** Very well.

*Question put and agreed to.*

*Clause 39 ordered to stand part of the Bill.*

*Clauses 40 to 60—*

**Mr. Chairman:** I will pause for a moment but, please, we have to follow rules. You cannot stop in the middle of a vote and say “aye”. You have no amendments before you, and I told Members, we take amendments in writing in accordance with our Standing Orders. The only amendments I have before me is in the name of the Member for St. Joseph. I would ask Members if they want clarification on any amendment, when I put the question meaning: “Clause 10 stand part of the bill”, I pause. It is at that time you seek clarification if it is necessary. You cannot allow me to put the question and get a vote about to take place and then ask a question. But for the sake of democracy, I am going to pause and allow the hon. Member to seek clarification.

**Mrs. Gopee-Scoon:** Thank you, Chairman. When the Minister was speaking to clause 39, he mentioned that 40, in fact, gives an extension of permission to 10 years. But I do not know if I am reading something wrong. Did you say that?

**Hon. Dr. Tewarie:** It is an open-ended extension, with another five years added would be 10.



**Mrs. Gopee-Scoon:** It is an open-ended extension, so it implies that it is another five years. Is that what you are saying?

**Hon. Dr. Tewarie:** Yes.

**Mrs. Gopee-Scoon:** Because I thought it should have been more specific to the period of permission.

**Hon. Dr. Tewarie:** That is the way the law is written now.

**Mrs. Gopee-Scoon:** Okay, if that is what it is.

*Clauses 40 to 60 ordered to stand part of the Bill.*

*Clauses 61 to 94 ordered to stand part of the Bill.*

*Clause 95.*

*Question proposed:* That clause 95 stand part of the Bill.

**Mr. Deyalsingh:** Thank you, Chair. Chair, before I go on, we must remember that part of clause 95 was not inserted correctly into the Bill and appeared, actually, in clause 94. So when we are discussing the amendment, we have to refer to both 95 and 94 because 95 was not complete in the draft. The basic problem we have here is that this Bill seeks to penalize and criminalize very minor offences, for example, if you do not post a notice on a pole, et cetera, you can be fined \$20,000 and find yourself in jail for six months. And these types of penalties which seek to criminalize very minor omissions on the part of a developer, need to be looked at, as opposed to, let us say, carrying out a development without consent. That is generally not a criminal offence, especially if you would have gotten permission anyway. But what we are doing here is criminalizing very minor omissions on the part of a developer, as I say, for just not posting a notice on a light pole or a shed. You are going to put this man in jail for six months and charge him \$20,000. So we would like the hon. Minister, together with his team, to reconsider this, please.

**Mr. Chairman:** The hon. Minister of Planning and Sustainable Development.

**Hon. Dr. Tewarie:** Chair, the first thing I would like to say is that the difficulty between 94 and 95 have been resolved in the draft before the House. The second thing that I would like to say is that the answer to the seeming confusion about those particular clauses, 94 and 95, the answer is to be found in section 51(2) and 54. Because what that does, it, in fact, makes a distinction—one clause makes a distinction between the breach of notice, which is seen as a minor

offence, and then the breach of the planning function. After you have breached the notice, it is only then that the matter becomes an offence, and that can be seen in 51 and 54.

**Mr. Deyalsingh:** So, Minister, is it that you are saying for the breach of not posting a notice, according to this Bill, will not attract a jail term and a \$20,000 fine?

**Hon. Dr. Tewarie:** That is correct.

**Mr. Deyalsingh:** And you are absolutely sure on that?

**Hon. Dr. Tewarie:** Yes, that is true.

**Mr. Deyalsingh:** We do not agree, but—

*Question put and agreed to.*

*Clause 95 ordered to stand part of the Bill.*

*Clauses 96 to 98 ordered to stand part of the Bill.*

**3.00 p.m.**

*Clauses 99 to 113 ordered to stand part of the Bill.*

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

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

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

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

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

*Preamble approved.*

*Question and agreed to:* That the Bill be reported to the House.

*House resumed.*

*Bill reported without amendment.*

*Question put:* That the Bill be read a third time.

**Mr. Speaker:** The ayes have it, but this Bill requires a special constitutional majority. A division is therefore required.

*The House divided:* Ayes 26 Noes 9

AYES

Moonilal, Hon. Dr. R.

Persad-Bissessar SC, Hon. K.

Mc Leod, Hon. E.

Dookeran, Hon. W.

Ramadhar, Hon. P.

Gopeesingh, Hon. Dr. T.

Peters, Hon. W.

Rambachan, Hon. Dr. S.

Seepersad-Bachan, Hon. C.

Khan, Mrs. N.

Roberts, Hon. A.

Cadiz, Hon. S.

Baksh, Hon. N.

Griffith, Hon. Dr. R.

Baker, Hon. Dr. D.

De Coteau, Hon. C.

Khan, Hon. Dr. F.

Douglas, Hon. Dr. L.

Samuel, Hon. R.

Indarsingh, Hon. R.

Roopnarine, Hon. S.

Ramdial, Hon. R.

Alleyne-Toppin, Hon. V.

Partap, C.

Sharma, C.

Ramadharsingh, Dr. G.

NOES

Mc Donald, Miss M.

Cox, Miss D.

Hypolite, N.

Jeffrey, F.

Deyalsingh, T.

Browne, Dr. A.

Thomas, Mrs. J.

Hospedales, Miss A.

Gopee-Scoon, Mrs. P.

*Mr. J. Warner abstained.*

*Question agreed to.*

*Bill accordingly read the third time and passed. [Desk thumping]*

#### NON-ASSENT OF MONEY BILLS

#### **(Judges Salaries and Pensions (Amdt.) Bill, 2014 and Retiring Allowances (Legislative Service) Bill, 2014)**

**Mr. Speaker:** Hon. Members, the hon. Prime Minister is about to speak on this Motion and I have granted her leave under 24(1) of our Standing Order. The hon. Prime Minister. [*Desk thumping*]

**The Prime Minister (Hon. Kamla Persad-Bissessar SC):** Thank you very much, Mr. Speaker. If I may, just take one moment with your leave, to congratulate this honourable House for the passage of the Planning and Development Bill. [*Desk thumping*]

Mr. Speaker, that Bill began 26 years ago by the now, Member for Tunapuna. Minister Dookeran began work on that Bill 26 years ago [*Desk thumping*] and he is back here to see it materialized and, of course, we thank the Minister.

Mr. Speaker, I beg to move the Motion standing in the Supplemental Order Paper, I believe—it has to do with Judges Salaries and Pensions (Amdt.) Bill, 2014 and the Retiring Allowances (Legislative Service) (Amdt.) Bill, 2014. Really, the text of the Motion is in a sense self-explanatory. It is a whole page long but it explains what the Motion is, so I will with your leave read the Motion:

*Whereas* it is provided by section 64(1) of the Constitution that where a Money Bill, having been passed by the House of Representatives and sent to the Senate at least one month before the end of the session, is not passed by the Senate without amendment within one month after it is sent to the Senate, the Bill shall, unless the House of Representatives otherwise resolves, be presented to the President for assent notwithstanding that the Senate has not consented to the Bill;

And section 64(1) as you well know, hon. Speaker, is that section of our Constitution which deals with money Bills not requiring the votes of the Senate. So the situation would have been that we would have passed both Bills in this House, went to the Senate, notwithstanding that the Senate has not given their votes to it—and we know, I will explain that in a moment—notwithstanding that, the Bill ought to have been presented to the President for proclamation. However, that was not the intention, hon. Speaker, as we would recall. Further preamble:

WHEREAS the Judges Salaries and Pensions (Amendment) Bill, 2014 and the Retiring Allowances (Legislative Service) (Amendment) Bill, 2014 (hereinafter referred to as “the Bills”) are money Bills and were passed in the House of Representatives here 13th of June, 2014; and

WHEREAS the Bills were introduced in the Senate on the 17th day of June, 2014 and were, on the 8th day of July, 2014, referred to a Special Select Committee of the Senate which was mandated to consider the details of the Bills and to report to the Senate by the 30th day of July, 2014; and

WHEREAS the Report of the Special Select Committee on the Judges Salaries and Pensions (Amendment) Bill, 2014 and the Retiring Allowances (Legislative Service) (Amendment) Bill, 2014 was presented in the Senate on the 23rd day of July, 2014 and—

(a) stated that due to the imminent prorogation of the Fourth Session of the Tenth Parliament, the said Special Select Committee will be unable to complete its work as mandated;

Hon. Speaker, we have received notification by letter dated July 25, 2014, from the Clerk of the House, Mrs. Jacqui Sampson-Meiguel, which advises us that the Parliament has been officially informed that His Excellency the President, has issued a proclamation for the prorogation of the Fourth Session of the Tenth Parliament at midnight on Thursday, July 31, 2014. Similarly, a proclamation has been issued for the commencement of the Fifth Session of the Tenth Parliament

*Non-Assent of Money Bills*  
[HON. K. PERSAD-BISSESSAR SC]

*Monday, July 28, 2014*

on Monday, August 04 at 1.30 p.m.

Hon. Speaker, what this means, therefore, is that these Bills would have been presented for assent, however, that Special Select Committee of the Senate has been unable to complete its work with the session coming to an end, and they recommended that a similar committee be appointed in the next session, the Fifth Session of the Tenth Parliament, to complete work begun by the said special committee. The Bills were not passed by the Senate without amendment within the one month after sent to the Senate.

WHEREAS in accordance with section 64(1) of the Constitution, the Bills shall, unless the House of Representatives otherwise resolves, be presented to the President for assent notwithstanding that the Senate has not consented to the Bills; and

WHEREAS it is expedient that the Bills not be presented to the President for assent in accordance with section 64(1) of the Constitution, we are asking the House to resolve that the Judges Salaries and Pensions (Amdt.) Bill, 2014 and the Retiring Allowances (Legislative Service) (Amdt.) Bill, 2014 not be presented to the President for assent in accordance with section 64(1) of the Constitution.

And that is the state of play, Mr. Speaker. What had happened, you may recall, is that on June 24, 2014, after the Bills had been sent to the Senate from this House, I had stated and I quote:

“It is rare that the Government and the Opposition ever agree on anything.

The Judges Salaries and Pensions (Amendment) Bill, 2013 and the Retiring Allowances (Legislation Service) (Amendment) Bill, 2014 were passed in this House with the full support of the Opposition.

The Retired Judges Association has also come out in full support of the said Bill which impacts their representative group.

Notwithstanding this level of agreement, there have been strong objections in some quarters to the Bills.”

Continuing with the quote:

“Consistent with my policy of always allowing views to be ventilated and decisions arrived at after such due consideration the Government’s current position would be not to proceed with approving the Bills until all perspectives and opinions are ventilated.”

Continuing with the quotation, Mr. Speaker, of my statement:

“The Senate debate on the said Bills which commences today”—that was on that day in June—“will allow for some of these perspectives and opinions to be ventilated.

Further, the government expresses its willingness to refer the matter to a Senate Select Committee for review and should such a procedure be agreed to by all parties in the Senate debate. Yet further the government expresses its willingness to accept and adhere to the recommendations made by the Senate Select Committee.

At the end of the day, the national interest is what must be served.”

Mr. Speaker, the Bills were indeed referred to a Special Select Committee of the Senate to consider the details of the Bills and to report to the Senate.

Mr. Speaker, we understand that this reform is long overdue, very much like the long overdue planning Bill and I am very pleased to see today on my table, since 1961—how many years is it now?—we have now amended the Standing Orders of this Parliament. [*Desk thumping*] How many years?

**3.15 p.m.**

Fifty-three years later, we now have new Standing Orders which will take effect when we turn on August 04.

Mr. Speaker, I think we need to thank the hon. Speaker, the Clerk of the House and the parliamentary staff for the tremendous work that they did [*Desk thumping*] on the new Standing Orders for our House. I would recommend that the Senate also would take heed and amend their Standing Orders. So here, an historic day for this reformation of the Parliament and the way we will do business in this Parliament when we come back in August, and, of course, with respect to planning.

There is another matter which is also of tremendous interest and again, it is historic in itself, and that has to do with the procurement Bill which has been passed in the Senate and has been sent to this House. But, unfortunately, because of the session coming to an end, we will not be able to pass that Bill today because, I understand, there are several persons who wish to speak, and there were several amendments suggested by the Opposition. So, our intention is when we return on Monday, so it is just from today until next Monday, 04, we will again lay that procurement Bill and bring the necessary amendments with it

*Non-Assent of Money Bills*  
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Monday, July 28, 2014

thereafter because we need to give it further consideration. So that is another historic matter in which I am very proud that my Government has moved very aggressive, very forward-thinking, in taking the process forward.

So, I come back now to the two Bills, the judges and the legislative amendments and so on for legislature. Those two Bills would lapse as of midnight July 31. However, I am not unhappy about that because I made my position very clear that given the public outcry that it was very unsettling for members of the public that we should not proceed with those Bills. And so, those Bills will now lapse on the 31st and will have to be brought back taken into the account all the considerations in a holistic manner that we would need to do. It means that if we do not pass this Motion today, that Bill will go to the President who would assent to the same and it will become law.

However, I am still of the respectful view that we should not proceed with those Bills for the increases in the pensions as laid out in them without having further consultations, and taking the views of all and sundry, including legislators from the House, the Senate and other stakeholders.

I went off on the tangent of things that were long overdue because I know the judges' pensions—reform of that—very long overdue, and so, in the new session of this Tenth Parliament, we will give further consideration.

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

*Question proposed.*

**The Prime Minister (Hon. Kamla Persad-Bissessar SC):** I thank the hon. Members of the House for their consent to this and I beg to move. Thank you very much. [*Desk thumping*]

*Question put and agreed to.*

*Resolved:*

That the Judges Salaries and Pensions (Amdt.) Bill, 2014 and the Retiring Allowances (Legislative Service) (Amdt.) Bill, 2014 not be presented to the President for assent in accordance with section 64(1) of the Constitution.

#### ARRANGEMENT OF BUSINESS

**Mr. Speaker:** We have a number of amendments coming from the other place, that is the honourable Senate. However, the four sets of amendments, the Bills that have or require passage by a constitutional majority, would have been the Miscellaneous Provisions (Administration of Justice) Bill, 2014; the Indictable



Offences (Committal Proceedings) requires a simple majority in both houses; the Miscellaneous Provision (Prisons) Bill requires a simple majority. However, the Motor Vehicles and Road Traffic (Amdt.) 2014 requires a constitutional majority. So, we will take it in the order of the Administration of Justice then we will go to the motor and then we will go to the other two which require a simple majority. The Attorney General.

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

**Senate Amendments**

**The Attorney General (Sen. The Hon. Anand Ramlogan SC):** Thank you very much, Mr. Speaker. I beg to move the following Motion standing in my name:

That the Senate amendments to the Miscellaneous Provisions (Administration of Justice) Bill, 2014 listed in the Appendix II be now considered.

I beg to move that this House agree with the amendments made in the other place to clauses 3, 4, 5 and 9. Clause 3, at paragraph (g)(1)—[*Interruption*]

**Mr. Speaker:** No, I think I have to put the question first and then deal with that.

*Question proposed.*

*Question put and agreed to.*

We will deal with all the clauses one time.

*Senate amendments read as follows:*

- Clause 3 A. In paragraph (g)(i), in the proposed subsection (2), delete the words “an intimate” and substitute the words “a non-intimate”.
- B. In paragraph (s), in the proposed “Fourth Schedule”, delete the words “An intimate” and substitute the words “A non-intimate”.
- Clause 4 Insert after paragraph (s), the following new paragraph:  
“(t) in the Schedule, in FORM D-
- (i) by deleting the word “Christian” and substituting the words “First name”; and
  - (ii) by deleting the words “section 4(1)(e)” and substituting the words “section 8(1)”.

Clause 5 Delete paragraph (b) and substitute the following new clause:

“Chap. 11:26 5A Section 11 of the Kidnapping Act is repealed.”  
amended

Clause 9 In the proposed section 50K (4), delete the words “subsection (4)” and substitute the words “subsection (3)”.

**Sen. Ramlogan SC:** I beg to move that this House agree with the amendments to clauses 3, 4, 5 and 9.

At clause 3, in paragraph (g)(1), in the proposed subsection (2), to delete the words “an intimate” and substitute the words “a non-intimate”. This essentially is to correct a simple drafting error and to make it consistent with the Government’s policy which was always that we would use the intimate as opposed to the non-intimate sample for those listed in the Fourth Schedule.

Clause 4, to insert after paragraph (s), the following paragraph. That is simply to delete “Christian” and institute “First name” in consistent with modern legislative drafting terminology.

At clause 5, we delete paragraph (b) and substitute the following new clause which is “Chap. 11:26 5A Section 11 of the Kidnapping Act is repealed.” Once we substitute that, we will be consistent because in the Senate, the opinion was articulated that the giving of a statement to the police was not in fact covered by what was being proposed in the current Bill, and it was suggested and accepted by the Government in the other place that reference to section 31A of the Sexual Offences Act should be deleted from clause 5 thereby preserving it as an offence, a discreet and separate offence, under the Sexual Offences Act.

With respect to clause 9, we have a simple cross-referencing error which is being corrected by the deletion of words “subsection (4)” and substitution of the words “subsection (3)”. With those few words, I beg to move. [*Desk thumping*]

*Question proposed.*

**Sen. Ramlogan SC:** Mr. Speaker, with that, I am grateful for the implied consent and support from the House and I beg to move.

*Question put.*

**Mrs. K. Persad-Bissessar SC:** Hon. Speaker, I crave your indulgence if you may defer the vote for a moment, please?

**Miss McDonald:** Why?

**Mrs. K. Persad-Bissessar SC:** So that we can vote on it. Thank you, hon. Speaker. [*Crosstalk*] I ask, hon. Speaker, that the House be suspended for five minutes, please. I request that the House be suspended for—[*Inaudible*]

**Mr. Speaker:** A Motion is before this honourable House, but what I would like, before putting the Motion, may I just suggest to this honourable House that if we have to get all our Members in, we can pause for a few moments and have the Members brought into the Chamber. [*Crosstalk*] Yes, we can do that, please. We do not have to necessarily suspend, we can pause.

**Mrs. K. Persad-Bissessar SC:** Thank you, Mr. Speaker.

**Mr. Speaker:** Division.

*The House divided: Ayes 26 Noes 7*

AYES

Moonilal, Hon. Dr. R.

Persad-Bissessar SC, Hon. K.

McLeod, Hon. E.

Dookeran, Hon. W.

Ramadhar, Hon. P.

Gopeesingh, Hon. Dr. T.

Peters, Hon. W.

Rambachan, Hon. Dr. S.

Seepersad-Bachan, Hon. C.

Khan, Mrs. N.

Roberts, Hon. A

Cadiz, Hon. S.

Baksh, Hon. N.

Griffith, Hon. Dr. R.

Baker, Hon. Dr. D.

De Coteau, Hon. C.

Khan, Hon. Dr. F.

*Miscellaneous Provisions Bill, 2014*

*Monday, July 28, 2014*

Douglas, Hon. Dr. L.

Samuel, Hon. R.

Indarsingh, Hon. R.

Roopnarine, Hon. S.

Ramdial, Hon. R.

Alleyne-Toppin, Hon. V.

Partap, C.

Sharma, C.

Ramadharsingh, Dr. G.

NOES

McDonald, Miss M.

Hypolite, N.

Jeffrey, F.

Deyalsingh, T.

Thomas, Mrs. J.

Hospedales, Miss A.

Gopee-Scoon, Mrs. P.

*Mr. J. Warner abstained.*

*Question agreed to.*

**3.30 p.m.**

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

**Senate Amendments**

**The Minister of Transport (Hon. Stephen Cadiz):** Mr. Speaker, I beg to move the following Motion in my name:

*Be it resolved,* That the Senate amendments to the Motor Vehicles and Road Traffic (Amdt.) Bill, 2014, listed in Appendix V in the Order Paper be now considered.

*Question put and agreed to.*

*Senate amendments read as follows:*

- 4       A. Delete paragraph (b) in the proposed subsection (6E) and substitute the following paragraph:
- “(b) deliver to the driver of the motor vehicle a printout from the speed measuring device which -
- (i) purports to be evidence of the speed at which the driver was driving the motor vehicle;
- (ii) includes a photograph of the vehicle identifying the registration plate;
- (iii) bears an endorsement by the constable who operated the device, stating the date and time of the offence, the place where the offence occurred and that the constable is qualified to operate the device; and
- (iv) bears the signature of the constable who operated the device.”
- B. In the proposed subsection (6J), delete the words “not less than seven days before the date of the first hearing, been served on” and substitute the words “been delivered to”

**Hon. S. Cadiz:** Mr. Speaker, I beg to move that this House agree with the Senate in the amendments to clause 4 of the Motor Vehicles and Road Traffic (Amdt.) Bill, 2014.

Mr. Speaker, the amendments that have been made in the other place basically would be just to clean up the drafting and, therefore, the changes are very simple changes including b(ii) where it says:

“includes a photograph of the vehicle identifying the registration plate.”

As against where it was stated before. It just puts all the issues in one section. So it is really and truly just to clean up the drafting and in B, it was felt that the words:

“not less than seven days before the date of the first hearing, been served on” really and truly was not absolutely necessary in that particular clause and therefore they have asked for that to be omitted.

So, Mr. Speaker, I hope that the Members on the other side, like when this Bill was in this House, that we would get the full support. I think Trinidad and Tobago, again, as I had said in presenting the Bill, that this is something—this Bill really and truly changes the way in which we do business on our roads and would go a long way to bringing proper management unto the roads of Trinidad and Tobago and we hope that this will create a situation where we will see a much needed drop in road fatalities.

Mr. Speaker, with those few words, I beg to move.

*Question proposed.*

**Miss Mc Donald** (*Port of Spain South*): Mr. Speaker, with respect to the changes in clause 4, I have to say that the changes (b)(ii), (iii) and (iv) are really reflective of what this Bench wanted to see when we did the last debate, especially in (iii), where it bears an endorsement by the constable who operated the device, stating the date and time of the offence, the place where the offence occurred and that the constable is qualified to operate the device. I remember our debate was very specific on that; and (iv):

“bears the signature of the constable who operated the device.”

Mr. Speaker, I think that these amendments here would indeed satisfy this Bench and we do agree with the Senate amendments.

**Mr. Speaker:** Do you want to respond to that?

**Hon. S. Cadiz:** No, I beg to move.

*Question agreed to.*

**Mr. Speaker:** Division.

*Question put.*

*The House divided:* Ayes 34

AYES

Moonilal, Hon. Dr. R.

Persad-Bissessar SC, Hon. K.

McLeod, Hon. E.

Dookeran, Hon. W.

Ramadhar, Hon. P.

Gopeesingh, Hon. Dr. T.

Peters, Hon. W.

Rambachan, Hon. Dr. S.

Seepersad-Bachan, Hon. C.

Khan, Hon. N.

Roberts, Hon. A

Cadiz, Hon. S.

Baksh, Hon. N.

Griffith, Hon. Dr. R.

Baker, Hon. Dr. D.

De Coteau, Hon. C.

Khan, Hon. Dr. F.

Douglas, Hon. Dr. L.

Samuel, Hon. R.

Indarsingh, Hon. R.

Roopnarine, Hon. S.

Ramdial, Hon. R.

Alleyne-Toppin, Hon. V.

Partap, C.

Sharma, C.

Ramadharsingh, Dr. G.

McDonald, Miss M.

Hypolite, N.

Jeffrey, F.

*Motor Vehicles (Amdt.) Bill, 2014*

*Monday, July 28, 2014*

Deyalsingh, T.

Thomas, Mrs. J.

Hospedales, Miss A.

Gopee-Scoon, Mrs. P.

Warner, J.

*Question agreed to.*

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

**The Minister of Justice (Sen. The Hon. Emmanuel George):** Thank you, Mr. Speaker. I beg to move the following Motion in my name:

*Be it resolved,* That the Senate amendments to the Miscellaneous Provisions (Prisons) Bill, 2014 listed in Appendix IV to the Order Paper be now considered.

*Question put and agreed to.*

*Senate amendments read as follows:*

- 4 In the proposed Section 2, delete the definition of “Prison Commissioner” and substitute the following definition:
- ““Prison Commissioner” means a prison officer with responsibility for conducting disciplinary proceedings under the Prison Rules.”
- 11 A. In proposed Section 20, insert after subsection (3), the following subsection:
- “(4) The Minister may, by Order, prescribe the qualifications and experience of the Chief Inspector of Prisons and the Deputy Chief Inspector of Prisons appointed by the Minister under subsections (1) and (2).”
- B. Renumber existing subsections (4) to (9) as subsections (5) to (10).

**Sen. George:** Thank you very much, Mr. Speaker. Mr. Speaker, the amendment to clause 4(c) arose because of a concern that there may have been a misinterpretation between the “Commissioner of Prisons” as against “Prison



Commissioner” so it was felt that there was need to define “Prison Commissioner” more specifically. That was in the case of clause 4. In the case of clause 11, Members will recall that in the debate in this House, when the Bill was presented, there was a concern that there were no qualifications laid out in the legislation in respect of the Chief Inspector and Deputy Chief Inspector of Prisons. So that matter was addressed and we are satisfied that this change is sufficient to address the concerns expressed, concerning those qualifications not being specified in the legislation.

With those few words, Mr. Speaker, I beg to move.

*Question proposed.*

**Mr. Deyalsingh:** Thank you, very much, Mr. Speaker, and I promise to be brief, as is my norm. We should not have been here today to debate these amendments, and I need to explain to the honourable House why.

It goes back to the past month, where the structure of a Parliament, as a bicameral chamber has been brought to the fore, where no one chamber should be a rubber stamp of the other, but also when we ask for amendments in this Chamber we are shut down. I say that because it was in this House where this Bill originated, we asked that the amendment be looked at, as regards the qualifications of the Inspector of Prisons and we were told that various reasons were put forward why we should leave it open-ended, and we had to put on record that in the United Kingdom, the appointment of an Inspector of Prisons is done by the House of Commons Justice Committee.

If you look at their Fourth Report of the Session 2009/2010, it speaks about, and I quote from page 4:

“The preferred candidate for the post is subject to scrutiny by Parliamentary select committee prior to appointment. Such hearings will be non-binding but the Government will consider the committee’s conclusions before deciding whether to proceed with the appointment.”

**3.45 p.m.**

Mr. Speaker, in looking at these amendments, we have to look at the overall structure of our crime-fighting apparatus because the Commissioner of Prisons and the Inspector of Prisons have very wide-ranging duties and if we look at crime and see where the crime-fighting tools are and we look at the apex of the crime-fighting tools, who sits at the top, it would be the National Security Council, chaired by the Member for Siparia, the honourable person that she is, the

hon. Kamla Persad-Bissessar SC, which would include, the Minister of National Security and heads of other crime-fighting apparatus. [*Interruption*] I complimented you. I said the hon. Prime Minister, Kamla Persad-Bissessar SC, honourable Prime Minister that she is.

**Mrs. Persad-Bissessar SC:** Thank you, hon. Member.

**Mr. Deyalsingh:** You are most welcome.

Then you have the Trinidad and Tobago Police Service. You have the criminal justice system, which comprises the Magistrates' Courts, the High Courts and the Court of Appeal and then the persons whose matters are adjudicated on in the Magistrates' Courts, the High Courts and the Court of Appeal; then find their way into the prisons and this is where the Inspector of Prisons and the Commissioner would come in and that is what these amendments are about.

It is a four-tiered system as I said: the National Security Council, the Trinidad and Tobago Police Service, the criminal justice system and the prisons. It is a cascading effect so that a failure in any one affects what comes after.

I want to just, tangentially, refer to something the hon. Prime Minister said earlier that it is very rare when the Opposition and the Government agree on matters referring to the pensions Bills. A check with the parliamentary library will show that this Opposition, from 2010 to now, we have actually supported 89 per cent of the legislative measures brought before the Houses of Parliament—89 per cent. That is a record for any Opposition, 89 per cent.

That, Mr. Speaker, started with the unprecedented actions of this Opposition in supporting the 2010 budget. Never before in the Commonwealth, I believe, has an Opposition voted for and agreed with the government on a budget.

The amendment to the qualifications that deal with the Inspector of Prisons, when you look at the Act that deals with the qualifications and his roles, he has very wide responsibilities. [*Crosstalk*]

**Mr. Speaker:** I would like to hear the Member for St. Joseph, please. Silence!

**Mr. Deyalsingh:** Thank you, Mr. Speaker. He has responsibilities for the prisons, the detention centres; the Inspector of Prisons has to articulate with both the civil and criminal justice systems. He has to produce reports and one of the reasons we insisted on proper qualifications is so that we can get good reports.

I just want to look at, briefly, the 2012 report of the Inspector of Prisons, Chap. 20. Here we speak about the prison population. In 1958, we had 1,043 prisons; 1959, 1,066; 1960, 1,077; 1961, 997; 1962, 935; 2011—these are the dates given in the Inspector of Prisons' reports—3,721; 2012, 3,656; and the most recent figure I have for 2014 is 3,176.

So what he was seeing, between 2011 and 2012, is an actual decrease in the prison population. But, concurrently with that decrease in the population is another frightening statistic and this has to do with the detection rate, especially for murder. In 2008, the detection rate was 15.9 per cent. [*Crosstalk*]

**Mr. Speaker:** Hon. Member, this is not a debate. We have to confine our contribution only to what is here. You are widening this matter and you are going into a debate. So I ask you to confine yourself only to what is before us. It has nothing to do with detection and these things that you are going into. I want to ask you to just focus on these amendments. It is not a debate; it is on these two amendments. Please! Continue, hon. Member.

**Mr. Deyalsingh:** Thank you, Mr. Speaker, and I would endeavour to do so.

The Inspector of Prisons and his qualifications, he has to now deal with the incarceration of two types of criminals in this society: white collar criminals and blue collar criminals and when one looks at one of the functions under the proposed amendments, the prison commissioner, he has to deal with prison rules and when one looks at prison rules, we will see the wide scope of responsibility he has.

Mr. Speaker, in being very brief, we just have one question to ask on this side. If it is we have a criminal justice system that, as I said, starts from the National Security Council right down to the prisons where we are debating these amendments and we have a live issue as to criminal activity being put out in the public domain, what moves the Commissioner of Prisons to liaise with the National Security Council, to liaise with the Trinidad and Tobago Police Service, to take action? Is it that now, given the fact that the Commissioner of Prisons, the Inspector of Prisons, does not sit, as far as I am aware, with the National Security Council?

When issues relating to graft, corruption, as outlined in the Auditor General's report of 2012/2013, which is in the public domain since October 2013, the only question we want to ask here is: why the slothful response of the entire criminal justice system, inclusive of the Commissioner of Prisons, inclusive of the Inspector of Prisons, inclusive of the Minister of National Security, inclusive of

*Miscellaneous Provisions Bill, 2014*  
[MR. DEYALSINGH]

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the National Security Council? Because the prison population, which the Inspector of Prisons has to now preside over—and I am speaking directly to the amendments—this Commissioner of Prisons and this Inspector of Prisons whose qualifications we insisted on in this Chamber, he now has to brace for what we are now seeing in the newspaper, reprisal killings coming out of a government programme.

How is the Inspector of Prisons duly charged with the responsibility now of forestalling these reprisal killings? That is the only issue we want to put on the only table that the Inspector of Prisons, together with the Trinidad and Tobago Police Service, together with the National Security Council should be more alert to detect, deter and prevent crime as outlined in the newspapers this weekend that stem from the Auditor General's report into the LifeSport Programme.

Mr. Speaker, with those very few words, I thank you.

**The Minister of Justice (Sen. The Hon. Emmanuel George):** Thank you, Mr. Speaker. My only response to the lengthy statement that was largely off the point, made by the Member for St. Joseph, is that while we are firm in our proposals regarding legislation brought to this House, the Prime Minister—and she referred to that a little earlier on—that the Government is always prepared to listen to alternative views on proposed legislation and amend as necessary.

Indeed, even as we were firm in our views on the then existing provision, re. the qualifications, we did give the undertaking in the committee stage to reconsider these provisions and that we have done with the help of the debate in the Senate.

With those few words, I beg to move.

*Question put and agreed to.*

**INDICTABLE OFFENCES (COMMITTAL PROCEEDINGS)  
BILL, 2014**

**Senate Amendments**

**The Attorney General (Sen. The Hon. Anand Ramlogan SC):** Mr. Speaker, I beg to move the following Motion in my name:

*Be it resolved,* That the Senate amendments to the Indictable Offences (Committal Proceedings) Bill, 2014 listed in the Appendix III be now considered.

*Question put and agreed to.*

*Senate amendments read as follows:*

- 6 In subclause (6), insert after the word “thing” where it first occurs the word “seized”.
- 12 In subclause (3), delete the words “or defect mentioned in this section is such that the accused person has been thereby deceived or misled” and substitute the words “, defect or error mentioned in this section has occurred and that the ends of justice require it”.
- 15 In subclause (1), insert after the word “accused”, the words “or his legal representative”.
- 19 A. In sub-clause (4), insert after the word “truth”, the words “and  
the consequences of not speaking the truth”.
- B. Insert after subclause (8), the following new subclause:  
“(9) For the purposes of subsections (5), (6) and (7), the person who-
- (a) records and reads the statement aloud to the person who cannot read or write under subsections (5) or (6) respectively; or
- (b) records, reads and translates the statement to the person who requires an interpreter under subsection (7),
- shall sign a declaration that the person under subsections (5), (6), or (7) understood what was written, confirmed that it was true, and that the statement reflected what he would have said orally.”
- 27 In paragraph (e), delete the word “subjected” and insert the words “assessed as one subject”.
- 44 In sub-clause (3), delete the words “other than direct oral evidence”.

**Mr. Ramlogan SC:** Thank you very much, Mr. Speaker. I beg to move that this House of Representatives agree with the amendments to clauses 6, 12, 15, 19, 27 and 44.

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In subclause (6), we are simply amending to insert the word “seized” so that when it provides that the person is not committed to stand trial or the thing be returned by the magistrate would refer to things seized as opposed to things in general. That is a simple omission.

Clause 12 deals with irregularities in the summons, warrants or complaints issued and this is a section that deals with the magistrate’s power if he or she is of the view that the accused has been deceived or misled by any defect or irregularity, they may make the necessary amendments and, if required, adjourn the proceedings. It was felt in the other place that the wording should perhaps reflect the court’s overriding objective of doing justice to the parties and for that reason we have inserted the amendment to read:

Where a magistrate is of the view that any irregularity, illegality, defect or error mentioned in this section has occurred and that the ends of justice require it, then he may make the necessary amendments, et cetera.

So the “ends of justice” will now be inserted to ensure that the court’s overriding objective of doing justice to the case before it is squarely within the wording of that subsection.

In the clause 15, we have the service of documents during the committal proceedings and, as you know, in the committal proceedings now, everything is done by paper and you have to file and serve your witness statements on both the prosecution and the defence. The wording here allowed for service on the accused and it was pointed out during the course of the debate that service on the accused might not be the most efficient method and means of progressing the case because an accused person, once he appoints his legal representative, it is better that the papers be served on his legal representative consistent with what obtains in the civil jurisdiction of the Supreme Court of Justice.

**4:00 p.m.**

In clause 19(4), we were dealing with the evidence of a child. It was felt, by one of the Independent Senators, that we should ensure that the child understands the duty to speak the truth, but more importantly, the consequences of the duty of not speaking the truth. And we have now inserted that he understands the duty of speaking the truth, “and the consequences of not speaking the truth”.

I thought that was a useful additional safeguard, because one must be very careful to guard against the manipulation of any evidence, and children are

particularly vulnerable in that regard.

In the new subclause (9), we wanted to ensure that persons who cannot read or write should sign a declaration that they understood what was written and confirm that it is true, and that the statement contains exactly what they would have said orally in court, if they were allowed to give any evidence orally, as opposed to in writing.

With respect to clause 27, we have simply inserted the word “assessed as one subject” to threats and intimidation, as opposed to leaving it open-ended, such that anyone and everyone would have been so automatically deemed.

We have also inserted the words “‘assessed as one subject’ to threats, intimidation and elimination.”. In clause 44(3), we have, in fact, deleted the words, “other than direct oral evidence”. And that now allows for the meaning of a special measure. We have excluded those words, because it was unnecessary, as “direct oral evidence” was mentioned before. And these words do not add anything to the clause.

Mr. Speaker, with the support for these three measures—the amendments to the DNA legislation, the prisons and the committal proceedings—I believe the record of 89 per cent support from the Opposition, will now for the first time in our political and legal history, cross 90 per cent. And I wish to say I look forward to the Opposition’s support on these measures. I look forward to their continued support in the years 2015 to 2020, and I beg to move. [*Desk thumping*]

*Question proposed.*

**Mr. Speaker:** The honourable Member for Port of Spain South.

**Miss Marlene McDonald** (*Port of Spain South*): Mr. Speaker, I have heard the Attorney General, but this Bench feels that the amendments did not go as far as we had expected, and even from the debate in the Lower House, most of our amendments were not addressed. In such a circumstance, we cannot agree with these amendments. Thank you.

**The Attorney General (Sen. The Hon. Anand Ramlogan SC):** Mr. Speaker, whilst I understand the Opposition’s position in this matter, I am pleased to say that in the other place there was virtual unanimous support for this particular measure, and I was quite grateful for that support. It appears as though there is a political dichotomy emerging between this and the other place. But that is something we can treat with elsewhere. As I said, this brings us over the 90 per

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cent support threshold. I look forward to the Opposition's continued support, so that the Government's legislative agenda can continue to benefit from the wisdom of their contributions, bearing in mind they will remain there for another five years. Thank you. I beg to move.

*Question put and agreed to.*

#### ADJOURNMENT

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, may I take the opportunity to thank all Members for their contribution, their participation, and to extend my own gratitude and the gratitude of the Member for Siparia and the Government of Trinidad and Tobago to colleagues for their cooperation during this session, the Fourth Session of the Tenth Parliament, and to look forward quite early, as early as next week, to the commencement of the Fifth Session of the Tenth Parliament. Mr. Speaker, with those very few words, I beg to move, that this House do now adjourn to a date to be fixed.

#### **Eid-ul-Fitr (Greetings)**

**Mr. Speaker:** Hon. Members, before putting the question on the adjournment, we all are aware that we are about to celebrate—in fact, some parts of the world I understand have begun to celebrate the end of Ramadan, and the beginning of the celebration of Eid-ul-Fitr. And we are also celebrating very shortly, in a couple of days, Emancipation, 2014. So, I take this opportunity to invite the hon. Member for Naparima and the Hon. Minister of Public Utilities to bring greetings to the Muslim community on the occasion of Eid-ul-Fitr. [*Desk thumping*]

**The Minister of Public Utilities (Hon. Nizam Baksh):** Thank you very much, Mr. Speaker. I am very grateful for the opportunity today, to bring greetings on the occasion of the end of Ramadan, when we celebrate Eid-ul-Fitr.

August 01, 2014 We all know that the Muslims fast during the month of Ramadan every year, and this time lasts for 29 or 30 days in the Islamic calendar. This year, in particular, we are witnessing the 30th day—today is the 30th day of the fast, and it culminates this evening at sunset. And tomorrow, Inshallah, is going to be Eid-ul-Fitr.

This is an occasion when Muslims go through a period of rigorous fasting, in the observance of the teaching and practices of the Holy Prophet (upon whom be peace). And this is a time, too, when Muslims are very charitable. During this



period they build within them piety, and, you know, they are very pleasant and humble, as they practise their religious teachings here.

This is a period too, when they observe the compulsory charity, when they give out 2 1/2 per cent of their income, as compulsory charity, in addition to other charity as well. This is the time when people look forward for this period to assist the less fortunate in the community as well. This is when you share with the people in your community, Muslims as well as non-Muslims.

Mr. Speaker, I take this as a great opportunity to extend to the national community and, in particular, the Muslim community Eid-ul-Fitr greetings for 2014. May Allah bless us, and may he guide us and protect us. And that the blessings we would have acquired during this period, that it goes on for the next year, inshallah, God's willing, that this would be succeeded and we wish this community Eid Mubarak. [*Desk thumping*]

**Miss Marlene McDonald** (*Port of Spain South*): Thank you, Mr. Speaker. I have to endorse what my colleague, the Member for Naparima, has said. During the month of holy Ramadan our Islamic brothers and sisters abstain from food, drink and other physical needs daily, from dusk to dawn. They seek to realign their lives in accordance with the teachings of the holy Qur'an, to reinforce family ties, to strengthen friendships, and to turn away from bad habits, evil thoughts and deeds. In other words, they seek to purify the soul.

The festival of Eid-ul-Fitr, which marks the end of Ramadan, is celebrated by the community with a great sense of joy and gratitude to Allah for all his works and creations. Eid-ul-Fitr forges and strengthens community harmony, and produces and perpetuates cultural and community awareness. It is a time to joyfully serve Allah, by joyfully serving our own fellow man. The holy Qur'an, Chap. 49, Verse 13, tells us—I quote:

“O mankind! We created you from a male and a female and made you into nations and tribes that you may know and honour each other...”

To honour each other Mr. Speaker, brothers and sisters, is to do what is morally right. This is truly a powerful and relevant lesson, not only for Muslims, but for each of us as individuals and, indeed, for our beloved nation as a whole.

As individuals, we should honour one another as prescribed by the Qur'an, regardless of race, religion, class, colour or political affiliation. By doing what is morally right we become stronger individuals, who would build stronger communities, which enable our nation to soar to greater heights of social and

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economic success.

The significance of this message from the Qur'an is even more pertinent, as we prepare to celebrate our 52nd Anniversary of Independence. Fellow citizens, let us realign our nation by always doing what is morally right and demanding the same of our leaders. Let us reinforce family ties, strengthen friendships, and turn away from bad habits, evil thoughts and deeds. Let us purify our nation's soul, as we join with our Muslim brothers and sisters in celebrating this great festival. I call upon all citizens to heed the call of the Qur'an, to honour one another for Eid, and for always.

On behalf of the leadership and members of the People's National Movement, I wish Eid Mubarak to the Muslim community and all the people of Trinidad and Tobago. Thank you Mr. Speaker. [*Desk thumping*]

**Mr. Speaker:** Hon. Members, I join with this House in the recognition of the festival of Eid-ul-Fitr, which marks the end of the holy month of Ramadan, an annual period of fasting that cleanses both mind and body, demonstrating submission to God and praying that through the sacrifice of fasting, that one would receive blessings of peace, prosperity and happiness from the Almighty.

In commemorating this day here in Trinidad and Tobago—tomorrow—we acknowledge breaking of the long period of fasting undertaken by our Muslim brothers and sisters. I understand that the end of Ramadan also marks the beginning of the month of Shawwal, where Muslims around the world share in a common goal of unity. I ask that as a Parliament and as a nation, we pay attention to the messages of forgiveness, unity, humility, spirituality and brotherhood, as taught by our Muslim brothers and sisters. I wish the Muslim community, in particular, and the nation in general, happy and holy Eid. Eid Mubarak.

### **Emancipation Day (Greetings)**

**Mr. Speaker:** Hon. Members, at this time I will call on the hon. Minister of National Diversity and Social Integration, the hon. Rodger Samuel, to bring greetings on the occasion of Emancipation, 2014.

**The Minister of National Diversity and Social Integration (Hon. Rodger Samuel):** Mr. Speaker, it is with great pride that I bring Emancipation greetings to the people of our twin-island Republic, and the world at large.

In our nation today, Mr. Speaker, we find ourselves on an ongoing journey; an ongoing journey of Emancipation, a journey of struggle, a test of faith, a journey of challenges. But ours in this country, Mr. Speaker, is a journey which offers the destination of freedom, the destination of peace, one of love, a destination of change and improvement, a destination of success and truth.

Having recently commemorated the life and work of the former President of South Africa, Nelson Mandela, the work of a freedom fighter, the work of a liberator, I share some of his words. And I quote when he said:

“Let freedom reign. The sun shall never set on so glorious a human achievement.”

Mr. Speaker, it was during our colonial days, the African slave trade represented and seemed to have been justified, by the colonial masters, by the requirement for labour. But amidst the supremacy of governance of the plantation owners, and the rebellious nature of the enslaved Africans, whose hearts were focused on survival and freedom, the demolition of the slave trade at that time seemed almost inevitable. The growing power of the mass August 01, 2014 of Africans throughout the Americas, the uprising allowed for the relinquishing of the powers of the plantation.

The Emancipation Bill was then presented in the Parliament by Thomas Buxton in 1833, and the Act came into effect on August 01, 1834. And though it appeared that it would set in motion a time of celebration, and on that day it seemed as if history had been created for slaves throughout the West Indies; they would no longer be slaves, but emancipated. Free to live, and be, as they were entitled to be. However, that was not to be at that time. As amidst the joy and the celebration, came the news that the full freedom—another trauma—would not be granted immediately at the time, but that the ex-slaves would be apprenticed to their former masters for a maximum of four years—another trauma. Thus a period of apprenticeship was put in place to bridge the gap between slavery and complete freedom. To reflect tremendously and to say how resilient people of African descent would have been, to be brought to the point of an expected abolition of slavery, and then to be confined to apprenticeship that set in motion another psychological trauma upon a people.

But in Trinidad and Tobago on August 01, 1985, we were blessed and fortunate to become the first country in the world to declare a national holiday to commemorate the abolition of slavery. Emancipation Day then celebrated, and celebrates the victory of a people against oppression, celebrates a victory of a

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people against subjugation and all negativities attributed to colonialism. And, today, regardless of race, regardless of ethnicity, regardless of social standing, Emancipation is our celebration. And in this nation, where every creed and every race find an equal place, we stand firm against inequality, we stand firm against inequity; for when many of our ancestors were emancipated, they ventured to freedom in such a vital and powerful way, because they came out of emancipation, many of them penniless, landless; many of them not having the type of education, and they remained under the structures of the plantation. But they have evolved. The people of African descent have evolved to be a powerful people in the world today. And yet—they were able to journey out of enslavement, out of solitude, out of oppression, to create a future for their children and to leave a lasting legacy. And all of us who are of African descent have been blessed and benefited from the legacy that they have left for us. And it is this legacy which we celebrate today.

The journey is a struggle, but the struggle holds the power towards purpose and potential. And just as other days of celebrations for other ethnic groups in the land, Emancipation Day celebrates the freedom of our ancestors from bondage.

As Trinbagonians we are fortunate in that the celebration of our people has become the celebration of the people. So that we must now, as we embrace all, allow the harmony of the spiritual, allow the harmony of the physical blow through the winds of our lands, and whisper messages of unity, whisper messages of love, and whisper messages of inclusiveness. Let the drums of our African brothers and sisters awaken the will of all of our people, and echo vibrations of triumph against oppression and discrimination. We are but one race, the human race.

Let us all be grateful of our history, be grateful of our victories, be grateful of our culture. Let us all be grateful of our resources and our potential, for they are ours to share, they are ours to protect, they are ours to nurture, they are ours to build in our heritage islands, Trinidad and Tobago.

So as we celebrate Emancipation, let us continue to think free, let us continue to live free. May God bless all of us in Trinidad and Tobago, Mr. Speaker. [*Desk thumping*]

**Mr. Terrence Deyalsingh** (*St. Joseph*): Thank you, Mr. Speaker, for allowing me a brief moment to bring greetings on Emancipation Day. As the honourable Minister said, the abolition was first recognized in the letter of the law on August 01, 1834, and we celebrated our first public holiday on August 01, 1985.

Mr. Speaker, the history of the new world when written, or as it is being written, cannot be separated from the sacrifices, the blood, sweat and tears of former slaves. Whether they occupied the cotton fields of the southern United States, or whether they occupied the canefields of South America, the Caribbean islands, Trinidad, and Tobago. Not Trinidad and Tobago, because at that time Tobago was not yet connected to Trinidad.

So the prosperity that all these countries have enjoyed, whether it is the United States or the Caribbean, this prosperity was built on the back, sweat and tears of former slaves, who had to endure the most dehumanizing experience in all of mankind. And for that we must give them our thanks.

That prosperity is taken for granted by all of us including the former colonial masters. Whatever the English have accomplished, they accomplished because of African slaves. Whatever we have accomplished in Trinidad and Tobago, and when I say we, I mean all peoples, East Indians, the so-called French Creoles, the Portuguese, the Chinese, have been accomplished because slaves came here.

So what should we celebrate, what should we recognize, and what should we register? Mr. Speaker, we should celebrate the heritage of that indomitable spirit of the African slaves and their descendants. That is to be celebrated. We should recognize their contribution to national development, and we should register our undying thanks and gratitude to them.

We could go beyond the fact that our local cuisine, music and whatever—we have our pockets of recognition; former goalkeeper Shaka Hislop, thank God his parents saw it fit to give him an ethnic name.

So we celebrate all of these things Mr. Speaker. But before I take my leave, it is incumbent upon all of us in the Caribbean and the wider hemisphere, to recognize while we are lucky in Trinidad and Tobago to have Emancipation, not only in the letter of the law but in the spirit of the law, our brothers and sisters in Haiti still strive for that. They may have been emancipated in the letter of the law, Mr. Speaker, but our brothers and sisters in Haiti have not been emancipated according to the spirit of the law. And whatever we can do in our own realm, whether it is in Caricom, moving the powers of the Western Hemisphere, especially north, to recognize that we owe a debt of gratitude to all descendants of ex-slaves inclusive of Haiti, and try to find some sort of collective solution to enrich the lives of our brothers and sisters in Haiti.

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So, Mr. Speaker, with those few words, we join with the Government, and I am sure we join with you, in recognizing Emancipation Day. And we wish God's choicest blessings on all of us for that day. [*Desk thumping*]

**Mr. Speaker:** Hon. Members, I wish to join the hon. Members of the House, in offering Emancipation Day greetings to the people of the Republic of Trinidad and Tobago.

Each year on the 1st day of August, we acknowledge the abolition of slavery in the English-speaking Caribbean, and we celebrate the cessation of the conquest and exploitation of our African ancestors.

As the historical records show it was in 1833 that Sir. Thomas Buxton presented the Emancipation Bill to the British Parliament. The Act was passed, and came into effect on August 01, 1834. As parliamentarians, we can take note of the humanitarianism displayed in the passage of this Emancipation Bill. From that day, thousands of slaves in the British West Indies became free men and women. These free men and women went on to form part of the fabric that is our diverse democratic nation of Trinidad and Tobago. With the declaration of our first Emancipation Day holiday in 1985, the celebrations have grown tremendously to display the worth of our nation through art, culture, business and entertainment.

I ask the honourable Members of this House and all citizens to use this momentous occasion to reflect on lessons and responsibilities that are part of the Emancipation experience.

On behalf of my family, the staff of the Office of the Parliament, I offer Emancipation Day greetings to the people of the Republic of Trinidad and Tobago. Happy Emancipation.

### **Prorogation of the Fourth Session**

**Mr. Speaker:** Hon. Members, before we close, I must join with the honourable Leader of the House, in extending my appreciation and gratitude to hon. Members of this House. We are about to conclude the Fourth Session of the Tenth Parliament, and we need to note that during this session we held 40 sittings of the House of Representatives. [*Desk thumping*]

Today, we are in our final sitting before the prorogation of our Parliament. I would like, on your behalf, to take this opportunity to express our collective

appreciation and gratitude to the parliamentary staff, the parliamentary police, and all those other critical and vital units of our Parliament for their amazing dedication and extraordinary commitment to duty, to our Parliament, and to our nation. [*Desk thumping*]

We must be very proud, as the hon. Prime Minister alluded to earlier, that when we return on August 04, we shall be governed by our new Standing Orders. [*Desk thumping*]

We are working assiduously as a Parliament to bring into being, before the end of the fifth and final session, a new Houses of Parliament Service Authority Act that will bring into being, for the first time, financial, administrative, and even more institutional autonomy for the Parliament of the Republic of Trinidad and Tobago. [*Desk thumping*]

We are currently working, as well, on codifying our privileges, our powers and our immunities. And that will take the form of a new Parliamentary Privileges, Immunities and Power Act, which we intend to get to you before the end of the fifth and final session.

We must be proud, as well, that for the first time in 53 years, our Parliament has a new strategic development plan for the period 2013 to 2018. All these are measures hon. Members that are aimed at deepening, strengthening and promoting our democracy, and the democracy of the Republic of Trinidad and Tobago.

So we look forward to a productive session in the coming period. We have a lot of challenges that we still have to overcome, including better rewards for our Members. But we look forward hon. Members to addressing those questions and those challenges in the coming period.

In closing, on behalf of all Members of Parliament, I am advised that today marks the birthday of the Member for Diego Martin Central. And we wish to extend to our colleague, the Member for Diego Martin Central, a happy birthday from all of us in this honourable House. [*Desk thumping*]

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 4:32 p.m.*