

HOUSE OF REPRESENTATIVES

Friday, November 15, 2019

The House met at 1.30 p.m.

PRAYERS

[MADAM SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

Madam Speaker: Hon. Members, I have received communication from the Prime Minister, the hon. Dr. Keith Rowley, MP, Member for Diego Martin West, the hon. Camille Robinson-Regis, MP, Member for Arouca/Maloney, the hon. Stuart Young, MP, Member for Port of Spain North/St. Ann's West and Dr. Lackram Bodoie, MP, Member for Fyzabad who have requested leave of absence from today's sitting of the House. The leave which the Members seek is granted.

JOINT SELECT COMMITTEES**(APPOINTMENT OF)**

Madam Speaker: Hon. Members, correspondence has been received from the President of the Senate dated November 01, 2019, which states as follows:

November 01, 2019

The Honourable Bridgid Mary Annisette-George, MP

Speaker of the House

Office of the Speaker

Level 2, Tower D

The Port of Spain International Waterfront Centre

1A Wrightson Road

PORT OF SPAIN

Dear Speaker,

UNREVISED

Re: Establishment of Joint Select Committees

Reference is made to your letter dated October 22, 2019 on the subject at caption.

I wish to advise that at a Sitting held on Friday October 25, 2019, the Senate concurred with the House of Representatives in the establishment of the following Committees and that the respective Committees be mandated to adopt the work of the Joint Select Committees appointed in the Fourth Session, Eleventh Parliament and report by December 31, 2019; and that the following Senators be appointed to serve:

(i) The Joint Select Committee to consider and report on the Miscellaneous Provisions (Local Government Reform) Bill, 2019:

1. Mr. Clarence Rambharat
2. Mr. Kazim Hosein
3. Mr. Daniel Dookie
4. Ms. Khadijah Ameen
5. Mr. Paul Richards
6. Mr. Deeroop Teemal

(ii) The Joint Select Committee to consider and report on the Private Security Industry Bill, 2019:

1. Mr. Clarence Rambharat
2. Mr. Nigel De Freitas
3. Mr. Foster Cummings
4. Mr. Saddam Hosein
5. Mr. Paul Richards
6. Dr. Varma Deyalsingh

- (iii) The Joint Select Committee to consider and report on the Cybercrime Bill, 2017:
1. Mr. Clarence Rambharat
 2. Mrs. Paula Gopee-Scoon
 3. Ms. Donna Cox
 4. Mr. Wade Mark
 5. Mr. Paul Richards
 6. Mr. Anthony Vieira
- (iv) The Joint Select Committee to consider and report on the Gambling (Gaming and Betting) Control Bill, 2016:
1. Ms. Allyson West
 2. Mr. Robert Le Hunte
 3. Mr. Foster Cummings
 4. Mr. Wade Mark
 5. Mr. Paul Richards
 6. Dr. Varma Deyalsingh
- (v) The Joint Select Committee to consider and report on the Mutual Administrative Assistance in Tax Matters Bill, 2018, the Tax Information Exchange Agreements Bill, 2018 and the Income Tax (Amendment) Bill, 2019:
1. Mr. Clarence Rambharat
 2. Mr. Daniel Dookie
 3. Dr. Lester Henry
 4. Mr. Saddam Hosein
 5. Mr. Paul Richards
 6. Ms. Charrise Seepersad

- (vi) The Joint Select Committee to consider and report on the Constitution (Amendment) (Tobago Self-Government) Bill, 2018:
1. Mr. Clarence Rambharat
 2. Mr. Nigel De Freitas
 3. Mr. Foster Cummings
 4. Mr. Saddam Hosein
 5. Dr. Varma Deyalsingh
 6. Dr. Maria Dillon-Remy
- (vii) The Joint Select Committee to consider and report on the National Statistical Institute of Trinidad and Tobago Bill, 2018:
1. Mr. Clarence Rambharat
 2. Mrs. Paula Gopee-Scoon
 3. Dr. Lester Henry
 4. Mr. Taharqa Obika
 5. Ms. Amrita Deonarine
 6. Ms. Charrise Seepersad

On said date, the Senate also agreed to the following resolution:

“Be it resolved that this Senate agree to the following appointments to the Joint Select Committees:

- On the Public Administration and Appropriations Committee and the Joint Select Committee on State Enterprises – Mr. Foster Cummings in lieu of Mr. Garvin Simonette; and
- On the Joint Select Committee on Human Rights, Equality and Diversity – Mr. Sean Sobers in lieu of Mr. Ashvani Mahabir.”

Accordingly, I respectfully request that the House of Representatives be informed of these decisions at the earliest convenience please.

Respectfully,

Senator the Honourable Christine Kangaloo

President of the Senate

**JOINT SELECT COMMITTEE
(APPOINTMENT TO)**

Madam Speaker: Hon. Members, correspondence has also been received from the President of the Senate dated November 14, 2019, which states as follows:

November 14, 2019

The Honourable Bridgid Mary Annisette-George, MP

Speaker of the House

Office of the Speaker

Level 2, Tower D

The Port of Spain International Waterfront Centre

1A Wrightson Road

PORT OF SPAIN

Dear Speaker,

Re: Appointment to Joint Select Committee

I wish to advise that at a Sitting held on Tuesday November 12, 2019, the Senate agreed to the following resolution:

“Be it resolved that this Senate agree to the appointment of Mr. Foster Cummings to the Public Accounts (Enterprises) Committee”

Accordingly, I respectfully request that the House of Representatives be informed of this decision at the earliest convenience please.

Respectfully,

Senator the Honourable Christine Kangaloo

President of the Senate

UNREVISED

VISITORS**Goodwill Methodist Primary School**

Madam Speaker: Hon. Members, I just wish to draw to your attention that today, we have in the Gallery, 42 students and four teachers from the Goodwill Methodist Primary School to observe today's sitting and on your behalf, we welcome them.

[Desk thumping]

PAPERS LAID

1. The Ministerial Response of the Ministry of Finance to the Sixteenth Report of the Public Accounts (Enterprises) Committee on the Examination of the Audited Financial Statements of the Trinidad and Tobago National Petroleum Marketing Company Limited for the years ended March 31, 2008 to 2017. [*The Minister of Health (Hon. Terrence Deyalsingh)*]
2. The Ministerial Response of the Ministry of Energy and Energy Industries to the Sixteenth Report of the Public Accounts (Enterprises) Committee on the Examination of the Audited Financial Statements of the Trinidad and Tobago National Petroleum Marketing Company Limited for the years ended March 31, 2008 to 2017. [*Hon. T. Deyalsingh*]

PRIME MINISTER'S QUESTIONS

Madam Speaker: Hon. Members, having regard to the fact that the Prime Minister has been granted leave of absence for today's sitting, Prime Minister's Questions have been deferred to the next Sitting day.

URGENT QUESTIONS**H1N1 Influenza Virus at Schools**

(Measures being put in place)

Mr. David Lee (Pointe-a-Pierre): Thank you, Madam Speaker. On behalf of the Member for Chaguanas East to the Minister of Education: Could the Minister

confirm how many cases of the H1N1 influenza virus have been discovered at the Chaguanas North Secondary School and what measures have been put in the place to prevent its outbreak at the Chaguanas South Secondary School?

Madam Speaker: The Minister of Education.

The Minister of Health (Hon. Terrence Deyalsingh): Madam Speaker, with the agreement of my colleague, the Minister of Education, I will be taking this question.

I would like to inform the population that there was one suspected case, it was a schoolteacher. The schoolteacher has since fully recovered because the common cold, as we know, is self-limited. There has been no confirmation of any outbreak of H1N1 at the Chaguanas North Secondary School. Since the report of that teacher being ill with what seems to be the common cold, the school has in fact been sanitized and the best measures anybody can take are: cover your nose and mouth when you are sneezing, wash your hands frequently, use antibacterial agents and so on. In this case, prevention is a whole lot better than cure.

May I also add that the Government has brought in over 100,000 doses of influenza vaccine which are available at all health centres and have been so. May I also tell the population that so far, the uptake of this vaccines has been disappointingly low, so I urge the five categories of people that we would like to vaccinate, that is pregnant women, children between six months to five years, those who are immunocompromised, the elderly especially those with diabetes and health care workers to please—the uptake has been disappointingly low—make yourselves available for the free vaccines. Thank you very much, Madam Speaker.

Yara Trinidad Limited's Gas Sales Negotiations

(Government's Intervention)

Mr. Rudranath Indarsingh (Couva South): Thank you, Madam Speaker. To the

Minister of Energy and Energy Affairs: Could the Minister inform this House whether the Government has taken a decision to intervene in the gas sales negotiation contract between the National Gas Company and Yara Trinidad Limited in order to preserve the operations of the company and the jobs of the employees at Yara Trinidad Limited?

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Madam Speaker, and just for the records, I want to inform the Member for Couva South that I am the Minister of Energy and Energy Industries. [*Crosstalk*] This is just for the record. Madam Speaker, as it is well known, the Government does not get involved in commercial discussions between parties. It, therefore, does not intend to intervene in the matter between Yara and the NGC.

Indeed, the Yara management has already taken a decision to cease operations and to mothball the Yara ammonia plant. They have advised that the operation of the plant is not viable based on its current cost structure, the market conditions for ammonia, the new gas prices, and probably most importantly, and let me repeat this, most importantly, plant inefficiency and also, the fact that this plant is the most inefficient plant on the entire estate. It is 50 years old and the last upgrade was done 20 years ago.

The real issue, Madam Speaker, is that the challenge facing the gas sector which we have brought sanity to and we have partially and leading to full resolution, is that the UNC went to sleep [*Laughter*] between 2011 and 2015. [*Laughter and crosstalk*] They failed to renegotiate upstream gas purchasing contracts, all of which were expiring between 2016, 2017 and 2018. These contracts have to be renegotiated years in advance. They also failed to negotiate new gas sales agreement with downstream operations at Point Lisas. That led to

\$4.0 billion in claims towards the NGC. We have virtually sorted all of that out and probably the most significant aspect is the issue of—

Madam Speaker: The time is now expired. Supplemental, Member for Couva South.

Mr. Indarsingh: Thank you, Madam Speaker. Minister, based on your flippant approach here that the Government will not intervene, could you tell us how many workers will lose their jobs directly and indirectly to add to the 63,633 persons who have already lost their jobs in this country? [*Desk thumping*]

Sen. The Hon. F. Khan: Madam Speaker, there are 60 workers that are currently employed at the Yara plant. It is the intention of Yara, which is the operator of the Tringen I and II plants, which is owned 49 per cent by Yara and 51 per cent by NEL to absorb as many of those 60 workers that is possible. [*Desk thumping*] So the full liability will not be 60.

Dr. Tewarie: Minister, based on your initial response, your first answer, given what your assessment is of the plant, how old it is, how inefficient it is, are you saying that it is okay if it closes its operations?

Sen. The Hon. F. Khan: That is a decision for the owners of the plant. I am just outlining what are the factual bases in which the decision was made. I cannot close the Yara plant, it is only the owners of Yara can so do.

Couva West Secondary School

(Resumption of Classes)

Mr. Rudranath Indarsingh (Couva South): Thank you, Madam Speaker. To the Minister of Education: Could the Minister inform this House when will classes at the Couva West Secondary School for 770 students and 59 members of the teaching staff resume, taking into consideration that that school has been closed since the 16th of October, 2019?

The Minister of Education (Hon. Anthony Garcia): Thank you very much, Madam Speaker. Work at the Couva West Secondary School is currently 70 per cent complete. The contractor sanitized the facility and asked CARIRI to conduct an air quality test. CARIRI is expected to provide the results to the Ministry of Education by November 15, 2019, which is today. The outstanding works are being carried out and are expected to be completed by November 19, 2019, and that is Monday. In the circumstances, Madam Speaker, the Couva West Secondary School is expected to resume classes on November 20, 2019. Thank you.

Madam Speaker: Supplemental, Member for Couva South.

Mr. Indarsingh: Thank you, Madam Speaker. Minister, could you tell this House what has been put in place for classes as it relates to students who are due to write the CSEC examinations in 2020?

Hon. A. Garcia: Thank you very much, Madam Speaker. I have been informed by our Director of School Supervision that she has been in contact with the line supervisor who in turn has been in contact with the principal who has given us the assurance that the teachers, in their usual style, will do everything to make up for lost time and it is hoped that this is carried out so that our students would not be disadvantaged. Thank you.

Madam Speaker: Supplemental, Member for Couva South.

Mr. Indarsingh: Madam Speaker, today, I will tell the Minister of Education that he is delinquent and misleading this House. [*Desk thumping*]

Madam Speaker: Member, Member.

Mr. Indarsingh: There are no remedial classes. Madam Speaker, I was elected to represent the interest of the people of Couva South—

[*Madam Speaker rises*]

—and the Minister cannot use the privilege of the Parliament to mislead this

Parliament and I am asking you to take action.

Madam Speaker: Member, I am sure you are seeing me on my legs. Member for Couva South, that kind of behaviour is not to be tolerated. Press on.

DEFINITE URGENT MATTER

(LEAVE)

Edinburgh Government Primary School

(Health and Safety Issues)

Dr. Bhoendradatt Tewarie (*Caroni Central*): Thank you very much. Madam Speaker, in accordance with Standing Order 17 of the House of Representatives, I hereby seek your leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely the health and safety issues affecting the Edinburgh Government Primary School.

The matter is definite because the school is unofficially closed for two weeks now and an OSHA assessment was conducted. The matter is urgent because of the possible health risks related to student exposure to pigeon droppings about which students have complained and the matter is of public importance because students of Edinburgh Government Primary School are being deprived of their human right to an education. [*Desk thumping*]

Madam Speaker: It may be, Member for Caroni Central, that we both have a different script but in any event, hon. Members, I am not satisfied that this matter qualifies under this Standing Order. I advise that the Member pursue this matter under Standing Order 16 if he so wishes.

URBAN AND REGIONAL PLANNING PROFESSION BILL, 2019

Order for second reading read.

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam Speaker. I beg to move:

That a Bill to establish a Council for Urban and Regional Planners and to provide for the regulation of the urban and regional planning profession and other matters incidental thereto, be now read a second time.

Madam Speaker, the Bill before us is, quite simply put, one structured to allow for the establishment of a professional body to manage the category of professionals referred to as urban and regional planners. It is 61 clauses long and has attached to the Bill, importantly, eight Schedules of forms and matters set out to refer to as prescriptive matters in a structured environment. The Bill appears to be fairly long, it is some 43 pages long but in essence, it is really quite simple. It is intended to form the structure to receive a category of professionals that have hitherto been unregulated and unsupervised in Trinidad and Tobago. The need for this particular Bill is driven largely from another piece of law and that other law is in fact Act No. 10 of 2014. It is the Act related to the planning and development of land and that Act which repealed and replaced the Town and Country Planning Act. That Act is now referred to as the Planning and Facilitation of Development Act, 2014.

That Planning and Facilitation of Development Act was an Act piloted by no less and competent Member of Parliament sitting as Minister of Planning at that point than the Member for Caroni Central. The Member for Caroni Central in piloting that particular law—actually in piloting that law, I recall quite vividly in the Senate, gave the tribute to successive governments in the work that they had played in developing that law which came to the Parliament. Perhaps, it is sensible, therefore, that I put on to the record that the Town and Country Planning legislation which was born in 1960 in Trinidad and Tobago and which was derived from the law coming from the United Kingdom and in fact, a very old piece of law coming from the United Kingdom, that particular law has stood on the books of Trinidad and Tobago and is still in effective operation, that is the planning laws as

we have it in Trinidad and Tobago.

Madam Speaker, the history of the introduction and birth of Act No. 10 of 2014 which is in effect the law which causes us to bring this Bill into consideration today, the history of that involves, of course, many sojourns into the need for certainty of spatial development. Trinidad and Tobago is an island state comprised of two islands comprising one republic. Land, therefore, is of essential importance to us. It is axiomatic that on an island, unless you are reclaiming land, that land is a finite resource.

Madam Speaker, in the period 1988 straight up to 2011, there were a number of pieces of law that were attempted to be brought on to the books. There were a number of committees established to reform the manner in which we considered the utilization of our scarce resource, that is, the land of Trinidad and Tobago. Its foreshore and seabed, of course, being included. In 1988, we had the Town and Country Planning Act considered by UN Habitat and also the United Nations Centre for Human Rights Settlement. That was under the then Ministry of Planning and Mobilization. I believe that the Member for Caroni Central was a part of that Government sitting in the NAR Government then.

In 1995, we had the IDB funded agricultural reform programme. In 1996, we had the National Physical Planning Commission which drafted a 1988 Bill, the Planning and Development of Land Bill, 1998. Then, we had a series of Bills: the Planning and Development of Land Bill, 1999; the Planning and Development of Land Bill, 2000; the Planning and Development of Land Bill, 2000; the Planning and Development of Land (No. 2) Bill, 2000; the Planning and Development of Land Bill, 2001. It was not until the management of structures in the period 2005 straight up to 2010 where there was a deep reflective considered approach for local government reform and also an introduction for property taxes that Trinidad and

Tobago fully considered where it was headed to with this seemingly never-ending project of considering the reform of the Town and Country legislation.

It was in that period of focusing upon local government and property tax reform and populating the role of valuations quite considerably so that you could take revenue from a property tax regime into local government to allow for development. It was not until that had happened that the Government—and I use that in the sense of continuation and continuance of Government—was put in a position in 2011 to consider a deeper form of reform.

In 2013, a Bill came to the Parliament. Certainly that was the Planning and Facilitation and Development Bill. That Bill was introduced into the Senate. A joint select committee was established. I was very pleased to serve as a member of that committee. The then Chairman was the Member for Caroni Central. And we spent a considerable amount of time, many sessions, engaging, I think, the consideration of some 17 entities and at least 12 meetings in that Joint Select Committee where we sat and we fine-tuned the development of the Planning and Facilitation Development Act which is Act No. 10 of 2014. That Act is essentially to provide for the orderly and progressive development of land in both urban and rural areas and to preserve and improve amenities. It is also to allow for the grant of permission to develop land and for other powers of control over the use of land and also to confer additional powers in respect of the acquisition and development of land for planning purposes.

Madam Speaker, that Act, Act No. 10 of 2014, the Planning and Facilitation Development Act, that Act contemplates in a national spatial plan structure that there would be a decentralization of development consideration, there would be the utilization of the local government bodies to do simple developments and then there would be a parent body that would consider complex developments. The Act

is also built upon a very important architectural cornerstone of the utilization of professionals and the professionals that are intended to be utilized in this matrix are professionals to whom the privilege of operating in the system is provided.

Let me explain what I mean by that: Part VII of Act No. 10 of 2014 is entitled listing of professionals and the professionals who are listed are registered professionals in the persons of an architect registered under the Architecture Profession Act established under the Board of architecture, an engineer registered under the Engineering Profession Act, a land surveyor registered under the Land Surveyors Act and an urban and regional planner registered under the Urban and Regional Planning Profession Act.

2.00 p.m.

Those professions are intended to be supervised by professional governing bodies. Obviously, we do have an Architecture Profession Act, we have an Engineering Profession Act and we have a Land Surveyors Act, but what we do not have in existence, prior to consideration of this Bill, is an Act to form a body to supervise that category of persons referred to as an urban and regional planner per se. It was therefore true then, as it is now, that to operationalize the Planning and Facilitation of Development Act, you must have a regulation of urban and regional planners. They are intended, together with other registered professionals, to have the ability to receive developmental plans, disseminate developmental plans, all without prejudice to the powers and functions of the authority which has the overall and overarching authority effectively to intervene.

But the cornerstone of Part VII of the Planning and Facilitation of Development Act, Act No. 10 of 2014, provides a very important feature to give the way to developing Trinidad and Tobago in a more sustainable way and, that is, it requires professionals—be they architects, land surveyors, urban and regional

planners—it requires professionals to be bonded to have professional indemnity insurance to stand pecuniary and professional liability on the record for developments that they put their signatures to and they certify from a fiduciary responsibility point of view.

In other words, Madam Speaker, it is under this Act, No. 10 of 2014, the Planning and Facilitation of Development Act, that we pin the professional liability in a very different way. It is true that professionals enjoy liability or have the obligation of liability, but it is under this parent Act that we pin the obligation that you must put a bond for your professional liability. You must put professional indemnity insurance forward, so that in the event that there is a catastrophe, a failure or a claim, that you have an automatic recourse to the professionals who have certified this. Now, why do we want to do this?

In a system of urban development and planning, you have to rely upon the integrity of the professionals in the system. The theory of law is generated such that law does not make sense unless you have a sanction. It is an A, B, C axiomatic principle. The example most often given in law school is, if you were to say that there is a law against walking on the grass, unless you put a sanction for walking on the grass, you will not have the cause and effect of stopping people from walking on grass.

So, effectively, urban and regional planners, as listed professionals, registered professionals, having location in Part VII, beginning in section 73 of the Planning and Facilitation of Development Act, No. 10 of 2014, we must birth into law of this particular body of professionals so that they can function in the system. Why? It is true that we have runaway developments in this country. It is true that people develop without planning permission. It is true that often the planning permission runs off at you.

Under the existing law, the Town and Country Planning Act, there is a four-year period of limitation. After four years of a development being into effect, you do not need statutory approvals, because you are effectively covered by the statutory period of four years. Beyond four years, you have gotten away. This law now alights a continuing obligation upon the professionals, therefore there is a greater chance of enforcement. That is objective number one, in terms of professional management. Obviously, objective number two involves us saying that the system of planning will be ameliorated, because the professionals being bounded, being subjected to professional indemnity, they can have a participating role in giving the hand out and approval process in an easier fashion. So we are ameliorating the system. That in effect, Madam Speaker, is the background and connection of this Bill to the Planning and Facilitation of Development Act.

I must say that the Planning and Facilitation of Development Act, it was assented to, Madam President on the 25th of—sorry, Madam Speaker. I often speak in both Houses, I apologize. It was assented to and then partially proclaimed by Legal Notice No. 151, Madam Speaker, and several of the sections have been brought into order. Taking the step of birthing the urban and regional planners is now a requirement so that we can put the listed professionals into proper order.

So it is, of course, true to say that this Bill had genesis in another Parliament, that is, the Tenth Republican Parliament. This Bill was found in other iterations. It certainly was found in the Urban and Regional Planning Bill, 2012; the Planning and Facilitation of Development Bill, 2012 also had that. We did have a couple versions of the Bill. We had this Bill in a different form with a slight bit of amendment in the Senate on the 23rd of September, 2013. It lapsed on July 30, 2014. It was reintroduced into the Senate on August 04, 2014 in the Fifth Session of the Tenth Parliament, debated on November 25, 2014. It did not go to the

House and it lapsed again. When it came up to the Legislative Review Committee under this Government, there was a need for some improvement to the law and, at that point, we then settled upon this Bill. Let me now turn to the purposes of this Bill, Madam Speaker.

This Bill is currently drafted as stated, as labelled, a three-fifths majority. This Bill, as I have advised the Government, standing now after the benefit of case law coming out of Barbados and after consideration of a constitutional opinion, this law does not require a three-fifths majority [*Desk thumping*] and I will be proposing that the three-fifths majority be deleted by way of an amendment in the course of committee stage of this Bill, and I will give you too, constitutional reasons for that in a short while.

The law is, effectively, to cause the creation of something which many courts have considered. We are considering, Madam Speaker, the creation of a public body, for a public purpose, for a public benefit. Those are the three public things that we are doing. Why do I say that? First of all, the Bill proposes, in its structure, that we establish the Council, and that is in clause 4 of the Bill. Clause 5 does a composition of council. Clause 6 does the functions of the Council, and then we go into the considerations of licensing, the types of functions in the explanatory sense in terms of discipline of the profession, professional body management. But in creating this statutory entity in clause 4 of the Bill, we are establishing a body corporate to be known as the Trinidad and Tobago Council for Urban and Regional Planners.

Clause 5 of the Bill is very important. It then goes through the persons who shall be appointed and clause 5, of course, involves the establishment of this body via the Minister. The Minister is obviously the Cabinet that is making this. We proposed an attorney-at-law with experience in matters relating to urban and

regional planning to state planners who are professional members of the Trinidad and Tobago Society of Planners and one person representing the public interest, and then there are three persons provided by the Trinidad and Tobago Society of Planners. These members, effectively, are appointed by a public entity. That public entity is the Executive. That public entity is created by the Legislature. That public entity is therefore a public body under the principles of law from a constitutional perspective. The functions at clause 6 guide us. Madam Speaker, what time is full time in end?

Madam Speaker: 2.36 p.m.

Hon. F. Al-Rawi: Much obliged. The functions of the Council are set out at clause 6, and I want to put onto the record quite quickly what they are. In subparagraphs (a) to (i) inclusive:

- “(a) keep the administration of this Act under review...
- (b) register and license persons to practise urban and regional planning...
- (c) monitor adherence to the Code of Ethics;
- (d) institute disciplinary proceedings in accordance with the provisions of this Act;
- (e) review periodically application fees...
- (f) suspend or revoke the registration or licence of an Urban and Regional Planner;
- (g) place or remove a name on the Register;
- (h) collect such fees as may be prescribed; and
- (i) perform such other functions as may be required by any other written law or reasonably incidental to...”

Stick a pin. When I make reference to “other written law” I am in particular referring to Act No. 10 of 2014 which is the Planning and Facilitation of

Development Act.

Madam Speaker, very importantly, the Part III of the law sets out, beginning at clause 15:

“(1) No person shall practise as an Urban and Regional Planner in Trinidad and Tobago unless—

- (a) his name is placed on the Register; and
- (b) he holds a valid licence issued under clauses 16, 18 or 19.”

It then goes on in those successive clauses to effectively require that the applicant must satisfy the Council that he has complied with the requirements of section 15—clause 15 in this case. He must be a citizen or a resident of Trinidad and Tobago and you allow, in this case here, very importantly in clause 16(2), that Caricom nationals can be the beneficiaries of admission in this purpose, and then we go on to state the level of experience that persons must have, if there is a Masters qualification, it is two years' experience; if there is a Bachelor of Science qualification, it is three years' experience.

We then go on to provide that urban and regional planners are entitled to have certain benefits, and that is set out in clause 22. They can demand and recover reasonable remuneration, they can use the title. They can be recovery of fees and costs as civil debt in courts. That is clause 23. There can be revocation of licence in clause 25.

We deal with the manner in which we have persons who are aggrieved of the Council failing to have their licences considered or rejected, renewed, or any other position. We provide for a system of appeals, and we put that due process consideration in clause 27 for the appellate function coming to the Environmental Commission where they can have the Council reviewed on matters of refusal of licences, revocation of licences, suspension of licences, or refusal of reapplication,

and that hearing may take place in such normal prescriptive fashion.

We then provide in Part IV for the register to be populated. But very importantly in Part V we provided for the committees of the Council. The committees of the Council are effectively bifurcated. First, there is a Recognition Committee and then there is a Disciplinary Committee and the Recognition Committee starts off at clause 35, clause 36 and clause 37. What they must do? They must list; they must liaise; they must assess and keep under review academic qualifications. They must look at the evaluation of posts, et cetera. There is an embodiment for a continuing education requirement, as many professions are now in the cusp of considering—the legal profession, the dental profession and the medical profession—and then we go on to the establishment of the Disciplinary Committee, which is then starting at clause 43 going to 44, 45—and this Disciplinary Committee conducts disciplinary proceedings, enquires into matters and makes recommendations to the Council.

We have, of course, the population of the Disciplinary Committee being an attorney at law of at least 10 years' standing appointed by the chairman, a member of the Council, then three persons who are professionals of the Trinidad and Tobago Society of Planners nominated by the Trinidad and Tobago Society of Planners and have at least 10 years' experience in matters relating to urban and regional planning.

Part VI goes on to the disciplinary proceedings which are set out in conjunction with a consideration of the code of ethics. We go into the rules of the disciplinary process, the report in clause 52 of the disciplinary committee, moving to the consideration of disciplinary sanctions, Madam Speaker, where we go in clause 53 that the Disciplinary Committee may dismiss the complaint, revoke a licence and remove the name, suspend the licence for such period, reprimand the

urban and regional planner and that they must, of course, in due process, provide reasons, et cetera.

Very importantly, in Part VII, we have prescribed offences and penalties and clause 54 is important because 54 criminalizes practising as an urban and regional planner without a valid licence. We then deal with miscellaneous provisions, staff of council, et cetera. Now, I have gone through quickly those provisions, because I am on the three-fifths majority, whether we need a constitutional majority for this law. I am on the point of proportionality of the legislation, and I am going to deal with those submissions to treat with the aim and objective of the law, it being rationally connected to a legitimate purpose, the legitimate purpose being to make sure that planning and development in Trinidad and Tobago is conducted in a sustained fashion where we can actually have recourse to the mechanisms for compliance and to ensure that the utilization of state land is managed. This Bill contemplates as the Planning and Facilitation of Development Act does, that we will be regulating both the private and public sector.

So, Madam Speaker, permit to now, having recognized establishment as a public body by a public Act—meaning an Act of the Government, not a Private Member's Bill brought forward or a private promotion Bill—permit me now also having set up that the functions are clearly public in nature, permit me also having set out that the discipline and management and procedures, the committees as established, the method by which the body is funded—all of these things feed the characteristics of a public body for a public purpose with a public benefit, and I say that specifically because we ought to be warmed by the following fashion of laws that guide us in this process. Madam Speaker, the following laws are material for consideration:

1. The Dental Profession Act, Chap. 29:54;

2. The Engineering Profession Act, Chap. 90:01;
3. The Architecture Profession Act, No. 90:02;
4. The Land Surveyors Act, Chap. 58:04.

All of those laws are simple majority laws, all having been published and proclaimed after 1976.

There is one iteration that, perhaps, can misguide people and, that is, the law which treats with the regulation of the legal profession. The Legal Profession Act, Chap. 90:30 was, in fact, an Act of Parliament produced in 1986. The Act No. 21 of 1986, that law was passed with a three-fifths majority. However, Madam Speaker, that law was passed with a three-fifths majority at a point in time where there was an argument in Trinidad and Tobago that two particular rights could have been viewed to be infringed. Number one is the right to property, which is the section 4 right of the Constitution. Number two, the right to freedom of association which, is again, an enshrined right of the Constitution.

It is now safe to say post the judgment in *Suratt*, Madam Speaker and, in particular, Baroness Hale's dicta that it is now settled law at the courts of highest binding effect for Trinidad and Tobago, the Privy Council, that not every 4 and 5 right of the Constitution needs to be treated with by virtue of a section 13 provision—that is a three-fifths majority provision—and, certainly, Madam Speaker, the obligation that we have is that we have to balance the rights of the public interest on the one hand versus the individual right on the other hand.

It has also been settled, Madam Speaker, in an excellent decision which I wish to put on the record, coming out of the Supreme Court of Judicature Court of Appeal in Barbados. It is Civil Appeal No. 20 of 2018. It is the case *Norman MacDonald Nurse*, first appellant; the Attorney General of Barbados, second appellant; the Barbados Bar Association, third appellant and *Florence Nurse* the

respondent. And this judgment produced and then settled on July 09, 2019 is a seminal judgment which I commend for the records on *Hansard* because it sets out the acknowledgment of the Court of Appeal that there is no intrusion on the right to freedom of association and, certainly, any property rights by a system of mandatory membership.

2.20 p.m.

This Bill proposes that there is a mandatory membership. All people in the private sector or public sector, state urban and regional planners and private urban and regional planners, they must be members of the urban and planning association that we are creating by this Bill. The law as settled right now with relation to compulsory membership, Madam Speaker, says conclusively: Number one, the supreme law of the land is governing. That is section 2 of the Constitution of the Republic of Trinidad and Tobago that the supreme law is there that feeds the argument in law of a presumption of constitutionality for any law. That has been recognized, of course, in umpteen dicta. Of course, top of the pack is Baroness Hale in the *Suratt* decision, and that is the Privy Council, 2007, UKPC 55 at paragraph 45. Then again, there was also acknowledgment, and I put it on the record, in *Weel v the Attorney General* and another, 2011 5LRC 610, and as well in the Privy Council in *Boyce v R*, 2004 UKPC 32, and in that we note that the Constitution continues to speak, statute continues to speak. We are looking at the interpretation of laws by the Judiciary and that the law is a living instrument.

Madam Speaker, I wish to put on record, of course, as it relates to the freedom of association argument that there are a number of jurisdictions that assist us in this purpose. There is the *Attorney General of Barbados v Smith*, 1984 38 West Indian Law Reports at page 33; Williams J. in his dicta, and in that acknowledgment of a Trinidad and Tobago case, which I am sure Couva South

would be familiar with, *Trinidad Island-Wide Cane Farmers' Association v Prakash Seereeram*, 1979 27WIR 329—

[*Technical device goes off*]

Madam Speaker: Please continue, Attorney General.

Hon. F. Al-Rawi: Those cases set out that the freedom of association argument is not only to be looked at as to whether you have a freedom to associate. It is not a one-way singular check valve. You also have an acknowledgement from the umpteen dicta the freedom not to associate, and in the context of this Bill, whilst there appears to be in section 15 the creation of a mandatory system which prima facie offends, on the face of it offends the freedom of association argument. What it says is that you are free to not associate.

The fact that you must be a member to obtain a licence is feeding the public purpose argument that it is good for a society such as Trinidad and Tobago within the meaning of section 13(2) of the Constitution and within the meaning of our proportionality tests as laid out in umpteen dicta that you have the regulation of a profession. Number two, Madam Speaker, it also says that in your freedom not to associate you must be guided by the fact that the payment of a licensing fee does not push you into any deprivation of your property. It is well-settled that money is certainly property. That has been settled from umpteen years but the payment of money for a public purpose is something which is in line with your constitutional rights and therefore, the freedom of property or money argument does not arise. Madam Speaker, the dicta tells us that the rules, aim, objectives, functions of the body, the establishment of committees, disciplinary committees such as we have here, recognition committees such as we have here are all in line with dealing with professional conduct, discipline, etiquette, et cetera; the upholding of professional codes of conduct as we have, continuing professional education, they are all in line

with public purpose.

Madam Speaker, public body performing public function in the public interest has also been recognized in the European context, in the United States and in Canada, and I wish to put onto the record, the European Court of Human Rights upholding of no intrusion on mandatory membership offending the concept of enshrined rights of freedom of association or freedom of property. I put onto the record the case of *Le Compte, Van Leuven and De Meyere v Belgium* and where they considered the *Ordre des médecins*, as they referred to it, that being particularly the compulsory position of membership into a professional body for doctors; the payment of fines, et cetera. And there was a very interesting paragraph coming out of that judgment which says that:

“The Court notes firstly...”

And in that case they were looking at the Belgian *Ordre des médecins*:

“...is a public-law institution. It was founded not by individuals but by the legislature;”

Stick a pin. That is case on point *pari materia* in this context. Two:

“it remains integrated within the structures of the State and judges are appointed to most of its organs by the Crown.”

That is exactly the situation here, Minister making appointment, the function for the disciplinary committee, the recognition committee as we have in the Bill here again being on all fours with the particular structure here. It goes on to say that in this case here in the Belgian context:

“It pursues an aim which is in the general interest, namely the protection of health, by exercising under the relevant legislation a form of public control over the practice of medicine.”

That is exactly on all fours with the purpose here today, Madam Speaker, within

the context of the function, requirement in particular to keep a register, et cetera, again on all fours with the establishment of a register in our case.

Madam Speaker, the case of *Le Compte* was adopted in *A v Spain*, application number 13750 of 1988, July 02, 1990. In that case they were looking at the Zaragoza young lawyers group, again, a mandatory membership consideration which was upheld by the European court to not be an intrusion on the freedom of association. Madam Speaker, in the United States of course we have aid to this very purpose. The aim of this Bill, the establishment of the structure in this Bill, the public functions of this Bill, the public interest of this Bill, the regulatory bodies, the disciplinary bodies, the code of ethics, that case that leads that pack in the US is *Lathrop v Donohue*, 367 US 820, the Supreme Court of Wisconsin, and then we have the Canadian position echoing similarly. This is in the case of *Lavigne v Ontario Public Service Employees Union*, 1991, 81 DLR at 545, and La Forest J. who gave that particular point considered the context of the Canadian Charter of Rights and Freedoms and they looked specifically at inherent limitations on the freedom not to associate.

I want to put on record this particular paragraph from La Forest J, it is at page 320 of that judgment, and I quote:

“It does not necessarily follow, however, that section 2(d) of the Charter protects us from any association we may wish to avoid. In a word, I do not think the freedom of association is necessarily a right to isolation.

...it could certainly not have been intended that section 2(d) protect us against the association with others that is a necessary and inevitable part of membership in a democratic community, the existence of which the Charter clearly assumes.

Realistically, too, as I will more fully explain later, the organization of our

society compels us to be associated with others in many activities and interests that justify state regulation of these associations.”

The judge goes on to say:

“In short, there are certain associations which are accepted because they are integral to the very structure of society. Given the complexity and expansive mandate of modern government, it seems clear that some degree of involuntary association beyond the very basic foundation of the nation state will be” —considered— “constitutionally acceptable, where such association is generated by the workings of society in pursuit of the common interest.”

I add onto the record *R v Advance Cutting and Coring Limited*, 2001, again Dominion Law Reports 2054 at page 385 and that reiteration of positions.

So, Madam Speaker, the law as structured pursues a legitimate aim. In this case here, the Bill being an Act to create and establish a council for urban and regional planners. The legitimate aim is to populate a public body, in this case a statutory entity. Secondly, it is directly pinned to the legitimate aims inside of the Planning and Facilitation of Development Act. Very importantly, in that Act there is a whole regime that professional organizations engage in a structure of devolved regulatory participation in the planning process underwritten by bonds and professional indemnities. In that Planning and Facilitation of Development Act, professional governing bodies are to keep lists up to date. They are to terminate the listing of professionals, to be found at section 81 of that Planning and Facilitation of Development Act in certain circumstances, and then it goes on to give offences where professionals, including urban and regional planners, if they do not comply with the obligations set out in the Planning and Facilitation of Development Act that there is a whole process of sanction. That parent Act feeds

into this Bill.

This Bill from a structural perspective is, (a) create the council; (b) populate the council; (c) create a regime for licensing of urban and regional planners, creating the categories of licenses; the professional licenses including provisional licences, temporary licences and permanent licences, putting a prescriptive time frame for the licences causing the concept of continuing education to prevail, having a regime for real licensing and renewal of licences, allowing for an appellate function to the Environmental Commission in the event that there is dissatisfaction with any of the renewal licensing or other regime prospects. Then this Bill allows for the registration of urban and regional planners, the maintenance of a public register, how qualifications are managed, how striking out happens, what prima facie licensing looks like.

We then go into the committees of the council which are critically important to the constitutionality of this law underlying the public body for public purpose in the public interest, specifically the creation of the disciplinary committee and the recognition committee. We tie in the functions of professional misconduct in the context of the code of ethics, which is included in the schedules to this law. We prescribe out the various forms to make it user friendly and easy. We allow for the process of disciplinary proceedings and the right of appeal. We deal with offences and penalties, and of course, we promulgate the concept of regulations in paragraph 60. I will be asking the CPC's department to cause a small amendment to clause 60. The amendment which I ask the CPC now on the floor to do is to please include a variation to section 63 of the Interpretation Act so that a breach of regulations will not attract a mere \$500 in penalty, which is what section 63 of the Interpretation Act says if you are silent on a treatment otherwise.

So we will propose two amendments to this law: number one, remove the

requirement for a three-fifths majority clause by removing the clause which sets that out, that would be clause 2; number two, amend clause 60 before it is renumbered to cause an amendment to section 63, a derogation away from section 63 of the Interpretation Act and then of course, to adjust, by way of removal, the need for the certification of the Clerk, et cetera. Madam Speaker, I welcome the contributions of Members opposite and certainly on our own Bench and I beg to move. [*Desk thumping*]

Question proposed.

Madam Speaker: Member for Caroni Central. [*Desk thumping*]

Dr. Bhoendradatt Tewarie (*Caroni Central*): Thank you very much, Madam Speaker. Madam Speaker, I think all Members in this House would understand that the Member of Parliament for San Fernando West and Attorney General was speaking to a Bill which we have had for some time in which it is clearly stated that the Bill requires a three-fifths majority for passage. And in his submission, in his presentation here just now he spent his entire time arguing for a significant proportion of his time in his presentation, arguing why the Bill does not require a three-fifths majority, and it would be reasonable to say, in proportionate terms, that he spent most of his time speaking on what would essentially be the arguments for the amendment he intends to introduce than the substance of this Bill before this House. [*Desk thumping*] And I really feel that the Attorney General has surpassed many earlier performances today. We have had a situation in which while the Bill was being debated, I challenged him on the issue of whether or not he would seek to remove the three-fifths majority requirement of that Bill and he proceeded to do that at the end of the debate of the Bill right here before this House.

He has, in the public domain, indicated that it was his perspective and intention in many cases to seek to have Bills that do not require a three-fifths

majority come to this House. Now, I want to say something about that three-fifths majority because it is important. You see, if you build a logical argument on a false premise or assumption it does not matter how logical the conclusion from that logical argument is, you would really be addressing the false assumption. And the Attorney General here comes to us and he tells us that the issues that are being affected and because of various precedents in law, which he quoted, have to do with the right to property and the right to freedom of association, but the truth is that this Bill, Madam Speaker, the right that is being affected here and the right which then requires the three-fifths majority is the right to work. [*Desk thumping*]

Mr. Al-Rawi: It is not the right to property?

Dr. B. Tewarie: Did I disturb you when you were speaking, Attorney General? Madam Speaker, it restricts the right of the individual to work.

This Bill, in many ways—you know, the Attorney General started by saying that he was dealing with an unregulated or unsupervised profession, that is to say the urban and regional planning profession, and that is true, but before the Attorney General came here, one of the issues I was going to raise about this Bill is that perhaps what this Bill does is make the profession too regulated and introduces too much supervision and therefore, too much potential for denial and exclusion. Madam Speaker, if you are not admitted to the planning profession, you cannot work as a planner. You cannot be connected through the planning and facilitation Bill that he mentions and you cannot, because of this Bill, practice your profession as a planner. And the second thing is that if you are never admitted, you can never practice your profession, and it seems to me that something like this which the planners—I know they had discussion with the planners on this matter—the planning profession, the Government came to them and told them that they wanted to remove the three-fifths majority provision here and the planners told them, “No,

we do not want that because we want the Bill to have the support of both sides of the House and we want the profession to be supported by a three-fifths majority parliamentary decision.”

That was the original intent of the Bill always. That was the original intent of the Planning and Facilitation of Development Bill. I do not know if he negotiated with the planners or the society of planners in order to come here to do this, but I would think that they would not be pleased about the fact that what he is doing now is making this a very partisan Bill and I think that is contrary to everything that needs to be done in terms of national planning in Trinidad and Tobago. Now, this Bill establishes the council and it creates the council as a legal entity, Madam Speaker, that is what this Bill is for and originally it indicated that it was inconsistent with sections 4 and 5 of the Constitution; it still is because it restricts the right to work by insisting on a gatekeeping role for the council of urban and regional planners. So in our view, we have to insist on this side, Mr. Deputy Speaker, that the Attorney General cannot come just so and change the game, so to speak. [*Desk thumping*]

[MR. DEPUTY SPEAKER *in the Chair*]

I want to repeat the fact that it is a known fact that the Government approached the planners to remove the need for a three-fifths majority and that the planners understood the wisdom of not doing that and advised the Government accordingly, and I would like the Attorney General to indicate when he does his winding up whether in fact he violated the wishes of the society of planners. [*Desk thumping*]

Now, this Bill was originally brought here and partially debated in one of the Houses in 2013 and a debate, I think, in 2014, and there have been amendments to that Bill so there are changes to the Bill that has come here. In clause 3, pages 2 to

6, you deal with definition, some of the definitions have been changed from the original Bill. And in terms of the qualifications, we have the same kinds of problems here that we had and we debated when they came to amend the Planning and Facilitation of Development Bill which is that the issue of qualifications and accreditation, and so on. I mean, they spent so much time on this thing it has become convoluted, I do not know how this is going to be put into practice.

The definition now includes persons who have graduated from UWI in an undergraduate programme because the Bill wants to mandate an undergraduate degree and the amount of angles of insistence on accreditation that are mentioned in those pages, 3 to 6, I mean, makes you wonder what is the thinking behind all this insistence on qualifications and accreditation. Now, there are things that are wrong with the Bill in terms of simple writing out of ideas. So, for instance, on page 6 in Part I, the clause is 3, it says:

“(c) development management activities with respect to the implementation of relevant government policies.”

I mean, I would think a more elegant wording would be “development management activities in alignment with relevant government policies”, because I do not think the planners are going to be implementing anything here. In terms of the structure of the council, in our original Bill of 2014 there were three persons nominated by the Minister so that the majority did not come under the direct appointment and jurisdiction of the Minister, and they have changed it to four so that the Government Minister through the Cabinet would actually control.

There are uncertainties here, for instance, one person representing the public interest, it does not say whether that person should in fact be a planner or simply a citizen of whatever profession representing the public interest. It is not clear on this. And the Minister appoints the chairman and the vice-chairman, then you have

the functions of the council which are really functions and powers to register urban and regional planning professionals ensuring that these professionals maintain their status, annual updating of registration, code of ethics and standards. And what we have essentially, Mr. Deputy Speaker, what we have here—the Attorney General talks about a public body but what you have here is a kind of quasi-state board because there is ministerial control directly; whether it comes from Cabinet or not, it does not say so but there is ministerial control through ministerial appointments. And when you look at the system you see that this is a quasi-state body, and I draw that to the attention because you may say public purpose and public benefits but it is a quasi-state body.

Now, look at some of the problems with the Bill again on page 12. It says here in this particular phrase that the planner must have:

“a certificate of good character from the jurisdiction in which the applicant has resided for the last six months;”

Does that mean a police statement of good character? It does not make it clear.

And then the second one, it says on page 12:

“evidence that the applicant has not committed professional misconduct that brings the professional planning body in the jurisdiction in which the applicant resides into disrepute;”

2.50 p.m.

How do you prove that you have not committed professional misconduct? Do you have to get testimony from people? Do you have to get it from some other professional body? I mean, how do you go and prove to people, unless you get a police certificate or something like that, you are of good character or that you have not done anything wrong in the profession.

Besides requiring all manner of accreditation, the Accreditation Council of

Trinidad and Tobago is mentioned again as having jurisdiction and control over the acceptability of qualifications in the profession.

Now, when we introduced the Bill in 2014, Mr. Deputy Speaker, the People's Partnership then, the UNC, sought to develop this Bill in close collaboration with the Trinidad and Tobago Society of Planners, which is the major professional stakeholder. So, in general, our disposition was to support this Bill. But when you come here, and having looked at the Bill that they put here, and the Attorney General comes with a different set of assumptions, a different approach, a withdrawal of the three-fifths majority, I mean, I do not know how we could support what is really a hijack of the parliamentary process, [*Desk thumping*] and a hijack of a Bill that is meant to establish a professional entity in order to guard the proper jurisdictional and reasonable sustainable development of the land space in this country. You know, I find this very difficult to—I cannot conceive how he could do that in the first place without warning.

Mrs. Persad-Bissessar SC: He put it there in the first place.

Dr. B. Tewarie: Yeah; I do not understand how he could do that without warning, I mean, parliamentary conduct requires one to behave in a certain way.

Mr. Deyalsingh: Standing Order 48(6) please.

Mr. Deputy Speaker: Overruled; proceed.

Mr. Indarsingh: Stick to vaccine right now.

Hon. Member: Deal with the H1N1.

Dr. B. Tewarie: Thank you, Sir. Let us discuss a little bit the context within which this was developed. In addition there are a number of things here. When the Minister of Planning and Development brought the Planning and Facilitation of Development Bill for amendment, it took her three years to bring those amendments, and there has been no proclamation of any additional part of that

Planning and Facilitation Bill, except what we proclaimed in October 2014. So that there has been no further or additional proclamation of that Bill since then, notwithstanding the amendments that they made, and we objected to many of the amendments. Many of them simply had to do with these issues of qualifications and so on. So they took three years to bring that for amendment, it has not been proclaimed. The second thing is, this one took four years to bring these amendments. And the real amendment that they wanted to make is not in the Bill, it is to take out the three-fifths majority. That was the real amendment that they wanted.

The second issue I want to raise is that there is an issue here of ethical behaviour. The Attorney General mentioned it in the issue of indemnification, and I think he said there is a bond. And this is meant to regulate the system and the general public good, so to speak, from unscrupulous or unethical behaviour by professionals. But the sanctions in the Bill only address the right to practise. What about compensation for those directly affected by unethical behaviour? Because there is going to be a cost to them. If I have a development and you are a planner and you screw it up, and you are indemnified and even if the profession takes sanctions against you, what about my position in terms of loss? [*Desk thumping*] And there are many developers on that side.

Now, during the meetings in my time, in our time, of the UNC in office and in my time as Minister of Planning and Development, we held discussion with the built environment professions including engineers, architects, valuers, surveyors, planners, on a collective approach to making that kind of insurance affordable. We had also initiated dialogue with the Joint Consultative Council from the construction industry on a structured approach to the matter. I think the Attorney General, since he is piloting the Bill and the Minister of Planning and

Development is not present, I think he owes us an explanation of whether there has been any progress on all of these matters which were started as consultations in 2013 and 2014, and continued into 2015.

Now, when this Bill was first introduced in 2014 it was meant to register just 100 or a little more than 100 planning professionals, because these are very important people influencing the profession, and this profession affects the use by people of land and buildings. It was introduced in parallel to the Planning and Facilitation of Development Bill of 2014, which is now an Act. This was partially proclaimed, as I said, in October 2014.

What we have here is that all the positive Bills that we introduced, the Procurement Bill that was brought here for amendments, it is not yet proclaimed. The planning and facilitation Bill was brought here for amendments. It has not been proclaimed further than it was originally proclaimed by the People's Partnership. And this Bill here, given all the things and what are really blocks and hindrances with the Planning and Facilitation of Development Bill, even if we pass this Bill here, what difference would it make in terms of the actualization of the intent of these very important Bills that have to do with land development, and the management of land in a sustainable way?

The Planning and Facilitation of Development Bill, Mr. Deputy Speaker, introduced what we called a "registered professionals regime", and that is what the Attorney General was referring to in there, in which development was classified as either simple or complex. Applications for complex development under that Act, which is what makes this Bill before us necessary, can only be submitted by registered professionals. So that you can get a draftsman or you can get somebody else to help you to do a simple development, which is a development of 20 buildings or less, or for a house or for an expansion to an existing building or so

on. But for a complex development, which includes buildings on land beyond 5,000 square feet that consists of more than two stories, three stories and more, and land development, including more than 20 buildings on the parcel, you need to have planners involved in that under the Bill, so that you need to have this. So that the proclamation of the planning and facilitation Bill would need and require people, such as these professionals, in order to support the execution of that Bill.

There are other professionals that are involved: engineers, architects, surveyors, et cetera. As the Attorney General correctly said, because they were not registered as a professional body we need to make that right. So the intent of the Bill we have no problem with, and we were prepared to support that, but—

The Attorney General mentioned “spatial development” and so on, and all of these Bills, all of these pieces of legislation, the whole business of development take into account and must take into account a number of very, very connected things. The planning and facilitation Bill, the National Spatial Strategy which was laid before this Parliament in 2013, the planners Bill, this particular Bill that we have here:

“An Act to establish a Council for Urban and Regional Planners and to provide for the regulation of the urban and regional planning profession...”

It requires, Mr. Deputy Speaker, local government reform, something which is now before a Joint Select Committee, and has not been completed.

Because the Planning and Facilitation of Development Bill envisages, and we started it during our time in 2013, in 2014 and continuing in 2015, the transfer of all management of simple development applications under the jurisdiction of local government in Trinidad and Tobago. It also requires geo-spatial information systems, and for that we had established a National Spatial Development Council which has been eliminated. So, for instance, when they talk about an

undergraduate degree for a planner, that undergraduate degree does not have to be an undergraduate degree in planning. There is no such thing in Trinidad and Tobago at the university or anywhere else, but you could have a degree in environment, you could have a degree in GIS, you could have a degree in geography. You could have a degree in anthropology for that matter, and then you go. It is like an MBA. The people who do MBAs do not necessarily have a degree in management or economics. They go on to an MBA from whatever. They might have psychology below.

Mr. Deputy Speaker: Hon. Member, your initial speaking time has elapsed. You have an additional 15 minutes. You care to avail yourself?

Dr. B. Tewarie: Yes, thank you, Sir.

Mr. Deputy Speaker: Proceed.

Dr. B. Tewarie: It also took into account regional development plans, and the principle of devolution and decentralization to which our Government under Mrs. Kamla Persad-Bissessar as Prime Minister was committed. It took into account that we had LED or local economic development plans in local government. *[Interruption]* Not the bulbs. *[Laughter]* It took into account that we had policies to facilitate development and to stimulate construction; that we had social and community development strategies that were driven by a human development atlas which basically dealt with the demographic realities of 14 regions and Tobago.

We had a strategy which involved growth poles and economic development zones. We had plans for a road network and system and public infrastructure development projects.

Mr. Charles: Vision. Vision and leadership!

Dr. B. Tewarie: It is with all of these things in mind that this Bill was rescued after a 10-year hiatus in the Parliament. *[Desk thumping]* That planning and

facilitation Bill, the Attorney General spoke about its evolution, but he did not highlight the fact that it lay languishing for 10 years and nobody would touch it, because they did not want really to change the development paradigm in the country at all. They suppressed the development of land in this country for years, and operating on a Town and Country Planning Act that dated back to the Eric Williams era. People do not realize that Eric Williams was the first Minister of Planning of Trinidad and Tobago under a national government.

So all of that, you know, you have to have a view of how these things happen and how they connect and interrelate. And to come here today just out of the blue, in the arbitrary fashion that is generally an aspect of governance under this particular regime, you come here and you just change the rule just like that and you say no more three-fifths majority.

Mrs. Persad-Bissessar SC: So did they consult the planners?

Dr. B. Tewarie: I do not know. Maybe he will get up and say that in his wind-up, Member for Siparia, Leader of the Opposition.

We had done a number of things, you know. For instance, we had dealt with the backlog in Town and Country Planning. We had made it in six weeks you get this, in two months you get this, in 12 weeks you get this, et cetera. All of that is now shot. I hear in the Tunapuna planning office you have a backlog from about the end of 2016, Mr. Deputy Speaker. That is what I met when I came in. There were literally thousands, and we were able to do it and rationalize it and so on.

These planners were meant to be part—when you pass the legislation—of the process that would quicken the process. Because when a planner does a plan that is complex, you take into account that this is a professional so you do not have to take it through the level of scrutiny that you would if some amateur simply sent it in. So we have waited now almost four years for these minor amendments to

come here, and the real amendments are that they have complicated the educational requirements to be a planner, and made it extremely convoluted. They have restricted, in an exclusionary way, the admission process for establishing members of the planning profession.

Thirdly, given what they have done with the other elements of development to which this Bill and the planners as professionals are critical, the value of this Bill in terms of any kind of actual development work is almost negligible.

You know, the last time they came here, they took simple development—we had simple development and complex development in one part of the Bill. They separated out, and by the time you read the Bill you do not know which one relates to which, and it is the same thing here, to achieve I do not know what purposes, Mr. Deputy Speaker.

So I ask the question: What is the state of backlog and whether this Bill will be proclaimed together with the other Bills in order to facilitate the process of development in this country?

Mr. Charles: Facilitate Alexandra Street.

Mr. Deputy Speaker: Member for Naparima, your comment is reaching my ear, so please. Proceed.

Dr. B. Tewarie: Thank you very much, Mr. Deputy Speaker. As I indicated before, we had a hand in this Bill. But we had a hand in this Bill together with other Bills that were really for the reform of the economy, and of governance in this country. When you take the Procurement Bill, when you take procurement reform, when you take the Planning and facilitation of development Bill, when you take this Bill, when you take the other things that I mentioned with GIS, et cetera, with devolution of power, decentralization and so on, with spatial planning of a certain kind, we had a vision for this country in which all of these things fit. That

vision was led by the first lady Prime Minister of this country, Mrs. Kamla Persad-Bissessar. [*Desk thumping*]

But all of that has been undermined now, by the lag in time, by the amendments that make no sense, by the subversion of the three-fifths majority process which the planners wanted. I do not see any enlightenment in the development of Trinidad and Tobago really, and in the development framework for Trinidad and Tobago. In fact, you do not even see the construction happening in the country.

There continues to be under this regime, a suppression of land development in my view. There are many things that we pass, for instance, multiple family dwellings on 5,000 square feet that are not being facilitated now. We made decisions that created the conditions for taller buildings to go up in different parts of the country. All of that has been suppressed by this particular Government. And really, when you think about it, their approach to development is development control. Their approach to development is development control. They want to control the process of development in the country. They want to control who develops. They want to control who gets permission. They want to control who gets into the planning profession, and therefore becomes aligned to the development process. Their approach to development is development control, pure and simple. [*Desk thumping*]

It is suppression of the many, for the benefit of the few. [*Desk thumping*]
And the end of that is skewed development. It is inequality. It is a gap between the rich and the poor that grows, and it is development which guarantees, if we do not correct it, that during the process of development which proceeds in that way, you are going to have a massive rebellion against an oligarchic elite in Trinidad and Tobago. Thank you very much.

The Minister of State in the Ministry of Education (Hon. Dr. Lovell Francis):

Mr. Deputy Speaker, good afternoon. Good afternoon to Members of the House on both sides. It is my pleasure to join this debate on this:

“An Act to establish a Council for Urban and Regional Planners and to provide for the regulation of the urban and regional planning profession and other matters incidental thereto”

Mr. Deputy Speaker, before I begin saying anything argumentative, let me first of all commend the Attorney General for piloting this Bill, [*Desk thumping*] and let me of course commend our Minister of Planning and Development, the nation's Minister of Planning and Development, for her role in framing the Bill.

I perused this Bill before but I read it more in-depth today, understanding that I would have to respond to the first speaker on the Opposition side, and I noted a number of things about the Bill, and I will couch them this way.

By now I have lost count of the number of Bills piloted by the Attorney General, there have been so many. I sit just over his shoulder, and I get to listen to all of them first hand. So I have noted a certain pattern of discourse when it comes to him presenting a Bill and interrogating its internal workings. He has a process, in that, he generally talks about the Bill in-depth in terms of all the clauses and what the clauses do and what they mean, and the arguments centred on them, and that generally makes up the majority of his discussion.

Mr. Deputy Speaker, I noted a little difference in what the Attorney General said today, in that, he sort of eschewed, he elided that kind of in-depth analysis, clause by clause concern, clause by clause interrogation, clause by clause explanation, that he normally does, and there is a very simple reason for that. This is a very long, short Bill. It has 62 clauses, most of them are as short as the title, if not shorter. The thing is almost as long as a Courts brochure. It is very, very

matter of fact, very utilitarian. It just gives what it is supposed to give and it does not get into too much of the meat of anything. Given the nature of the Bill, and given the nature of the Act, and given the very specific intent for which it has been engineered, that kind of discourse by the Attorney General was absolutely understandable. So he spent more time discussing the legalistic history of it, the evolution of the thing, and then explaining what it means and how it pertains to us, and that is absolutely fine. I was very much okay with that.

Then of course, I had to listen to the Member for Caroni Central. Now, it was absolutely obvious that the person who would be responding to the mover of the Bill, would of course be the Member for Caroni Central. He is, or he was, the Minister of Planning and Development under the previous regime, and anything that seems to be developmental, he is usually the point person in terms of responding. Of course, if one has to come after, one wants to predict, forecast, what might be the direction of the discourse; in other words, in order to ensure that you can say something coherent.

I expected the typical UNC response which is, “We had a plan; we had a plan”. Whatever Bill the PNM presents or the Government presents on this side, the response was, “Well, we were going to do dat”. “We had a plan. We had discussions about it. We were talking about it. We were thinking about it.” And what of course would have been done? Absolutely nothing—nothing. [*Desk thumping*]

They used to be called the “box drain government”. I am on record here in this Parliament stating that that is actually high praise. [*Crosstalk*]

Mr. Deputy Speaker: Silence please!

Hon. Dr. L. Francis: That is actually high praise. Being called the “box drain government”, means that you actually built a box drain, and we have no evidence

of that.

Hon. Members: Oooh!

Hon. Dr. L. Francis: So they should more aptly be called the, “we had a plan government”. Mr. Deputy Speaker, I know I was going to hear, “Well, we had a plan”. “We had discussed it. We were going to do it,” and I was prepared to respond to that. What I heard instead was an argument with so much depth it would not fill a teaspoon.

Hon. Members: Oooh! [*Desk thumping*]

Hon. Dr. L. Francis: The Member of Parliament for Caroni Central has been in Parliament since I was in primary school. I was in short pants when he was already sitting here, and I would expect that if he were to come and present something that is really down his alley, that even if we disagree that there is some profundity in it, what we got was shallowness that would not drown a fly. [*Desk thumping*] The Member for Caroni Central comes this afternoon, and I am absolutely sure that when the Member for San Fernando West, the hon. Attorney General, mentioned that he had removed the three-fifths majority— [*Continuous crosstalk*]

Mr. Indarsingh: Fix the Couva West Secondary School and then talk.

Mr. Deputy Speaker: Members, please. Each one of you will have the opportunity to enter the debate. [*Interruption*] As I was saying, each Member will have the opportunity to enter the debate, once you acknowledge I will so grant you the favour, but I will not continue to tolerate again the outbursts across the floor on both sides. Fair enough? Proceed.

3.20 p.m.

Hon. Dr. L. Francis: Mr. Deputy Speaker, the Member for Caroni Central couches his argument, his rebuttal of the brilliant presentation of the Attorney

General in the fact that this Bill constitutes an infringement on the right to work. Even I, Mr. Deputy Speaker, after listening to eons, barrels and tonnes of ridiculous discourse from that side in the last four years, did not predict that that would be the direction of his discussion, that we are infringing on the right to work. Mr. Deputy Speaker, being a planner, urban or regional planner is a highly technical very specialized skill that requires years of study, years of training. It is obvious that any responsible government—

Mr. Deputy Speaker: Hold on. Leader of the House, Chief Whip, I just spoke, and as two senior individuals in the House, please. All right? You all know the procedure, you all can go and have a chat to the back. Proceed.

Hon. Dr. L. Francis: Mr. Deputy Speaker, it obvious that any responsible government, any responsible state, any responsible entity dealing with something as important as planning, particularly in our historical context, would want to be very certain of the quality of persons who enter the profession, we want to be certain that they have the requisite skills and understanding, because the consequences of not having that would be dire.

Mr. Deputy Speaker, by the same logic then we should allow anybody to practise medicine, anybody should be a surgeon; by the same logic, anybody should be a pilot. If it is that the Government is wrong for ensuring that something as critical as planning has a set structure, a set of pre-requisites, [*Crosstalk*] a set group of expectations—

Mr. Deputy Speaker: Members, Couva South, Laventille West, this is the last occasion I am going to come up on my legs with regard to any outbursts. Proceed.

Hon. Dr. L. Francis: Mr. Deputy Speaker, if that is in any way logical or sensible, then all of the professions we have, we should have no requirements for them, we should allow anybody to do anything, and we should have a state of

reasonable chaos, by the same logic. There is no way that that could be a logical, sensible discussion, a logical sensible argument particularly by someone who for whatever reason he decides, prides himself on understanding planning. There is no way that that could be a logical argument. That is a doorway to chaos. Mr. Deputy Speaker, that makes no sense, there is no way it could make sense. That is the feeblest of arguments and discussion.

He goes on to base the rest of his febrile argument on the removal of the three-fifths majority. Mr. Deputy Speaker, I am not legally trained, neither is he. I have no pretence to understand constitutional law at any level beyond a layman, even though I have very good comprehension, but even I [*Laughter*] unlike any Member on that side, I am versed in comprehension [*Desk thumping*] unlike any and every Member on that side, I am versed in comprehension. Mr. Deputy Speaker, I am very sure if you were to go through the report books of the Members there, if they ever passed comprehension, it is very generous teaching; but I move on.

Mr. Deputy Speaker, I am very sure that the Member for Caroni Central was very happy when the Attorney General stated the removal of that three-fifths majority because then he had something to talk about. But, Mr. Deputy Speaker, before we get here, before any law arrives in this Parliament there is a process, there is a process of assessment, framing, shaping, an assessment, and sometimes things change, and sometimes the views of things change.

And if the Attorney General, in his own wisdom, understanding the Constitution and the law and the requisites of this Bill, sees it fit that the three-fifths majority is no longer required and he accepts that that change ought to be made, then I see no problem with that. But, of course, there are ghosts, of course, what they are seeing on the other side are ghosts in the machine and bogies

and douens everywhere, so that now it becomes dictatorship and creeping dictatorship and wanting to control everything. Mr. Deputy Speaker, laws go through a process of transformation before they get here, they go through a process in the Parliament, they go through a process after the debate after they have been passed into law, and that is the natural order of things.

Mr. Deputy Speaker, the Member for Caroni Central suggested that the Government had gone surreptitiously to talk to the planners to try to convince them of the rectitude of removing that three-fifths majority.

Dr. Tewarie: I did not say surreptitiously.

Hon. Dr. L. Francis: Well, I am condensing your discussion, given the suggestion that we were doing something underhanded. Mr. Deputy Speaker, no such thing happened. But even if that were the case, even it were the case, Member for Caroni Central, that the Government did go and have a discussion with the planners, there is fundamentally nothing wrong with that. This is the same party that every time Government brings forth some idea or some concern, talks about consultation. Did you consult? [*Desk thumping*] How many consultations did you have? You did not consult enough. It is government by dictatorship, and one pack of inane discussion.

So even if what the Member suggested, Mr. Deputy Speaker, was true that the Government had gone to have a discussion with the planners as to the three-fifths majority, if that were the case, there would be nothing wrong with that. Part of legal framing is consulting with those who will be affected by the law, and they have been on record in this Parliament talking about that ad nauseam, so that now that will be a problem is the height of hypocrisy, it is the height of hypocrisy.

Mr. Deputy Speaker, the Member went on to talk some really, really inane things, talked about the inelegance of the language. Mr. Deputy Speaker, the Bill

is by its very nature and very intent, terse. It is meant to be very specific, it is meant to couch certain things, and it does that. And then, of course, there is the oft repeated bogey of ministerial intervention. So there is, of course, a problem that some of the members of the council will be appointed by the Minister. Mr. Deputy Speaker—

Hon. Member: Why not?

Hon. Dr. L. Francis: Exactly, why not?

Mr. Imbert: Every profession has that.

Hon. Dr. L. Francis: Why not? That is the norm in a number of areas, in a number of societies in the Commonwealth and everywhere. [*Crosstalk*] Politicians are powering people to specific posts and that is the nature of things in democracies but, of course, given that a PNM is in charge there is a fright and a fear and the spectre of ministerial appointment.

I will say this, Mr. Deputy Speaker, there was a time in this country to be very afraid of the nature, intent and direction of ministerial interference, and that time was between 2010 and 2015. [*Desk thumping*] It has not been the case December 07, 2015. In fact, it has been quite the opposite where ministerial control has reverted to what it has been historically, and what it should be in the future. So any fear of ministerial intervention, ministerial interference, that resided in the past, and we have put that past to rest. [*Crosstalk*] Mr. Deputy Speaker—

Mr. Deputy Speaker: Couva South, Member for Couva South—

Mr. Indarsingh: Yes, Sir.

Mr. Deputy Speaker: I am hearing you.

Mr. Indarsingh: My apologies. [*Crosstalk*]

Mr. Deputy Speaker: Proceed.

Mr. Indarsingh: It is a painful exercise.

Mr. Deputy Speaker: Okay. I understand.

Hon. Dr. L. Francis: Mr. Deputy Speaker—

Mr. Deputy Speaker: Proceed.

Hon. Dr. L. Francis: Mr. Deputy Speaker, I am accustomed to being interrupted by Couva South incoherent mumblings, it does not affect me, and I will move on.

Mr. Deputy Speaker, the Member raised some issue with the fact that the Bill required those who would be planners to receive a certificate of good character. He made some issue with the fact that the Bill requires that there be no issues of misconduct, there be no questions of misbehaviour in your profession on your resume, and that these are problematic. I cannot fathom how. If you have someone who is doing something as critical as planning, you want to have issues of character. You want to have issues of professional rectitude? Why is this problematic? The Member is simply grasping at straws, trying to make a very empty and vacuous argument. Mr. Deputy Speaker, there is no way that that can be an issue, that can be problematic, that should be something that you want to ensure, hence it is in the Bill. I cannot understand how that becomes an issue of consternation, Mr. Deputy Speaker.

He makes a critique about this being part of a larger framework of Bills centred on land issues, and that these Bills have not been actualized. Mr. Deputy Speaker, I am very confident that the Attorney General knows his job, understands what he is doing, and is going to ensure that this suite of land laws become operational, and we bring some sanity to the chaos that exists in this country in terms of how land is organized and regulated, I am absolutely certain of that, I am confident in the Attorney General and his abilities.

Mr. Deputy Speaker, the Member talked about local government reform and that for this to become active it requires that reform to become realized. Mr.

Deputy Speaker, he is, by his own admission, aware that this is in a JSC at the Motion, it is being ventilated upon, and that it will be enacted into law, so that process is already under way, that critique also falls empty. Mr. Deputy Speaker, he ended up, he ended his discussion by talking about—

Mr. Deputy Speaker: Members of the Government side, AG, Minister of Finance, please.

Hon. Dr. L. Francis:—by talking about this Bill as though it was something very sinister, Government is attempting to suppress land use, attempting to suppress those who can get involved in development, attempting to ensure only certain people get involved in things, making a kind of very Machiavellian statement. Mr. Deputy Speaker, we inherited a situation of chaos from the previous regime across the board. There is no area that was not infringed upon by the chaos that they brought as part of their meandering governance.

Mr. Deputy Speaker, this is just one example of a wider set of examples of us trying to bring order where chaos existed. It is not intended in any way to subscribe who can and cannot become involved in land development. That has never been the way of this Government. That has never been the way of the PNM, it will not be the way. So that kind of Machiavellian, kind of sinister-sounding statement really has no place in this discussion, and has no place here.

Mr. Deputy Speaker, laws have resonance beyond the clauses and the statutes and the implementations themselves, and this particular law is of great significance now despite its narrow constriction, and the resonance of it will be felt for years to come, but it battles against a very interesting problem.

Mr. Deputy Speaker, if you are honest and critical about the nature of development in this nation, it is understandable and clearly so, that we have a historical and cultural problem, and I have been on record in this Parliament over

and over saying, that it is very difficult to attempt to fix a problem that you do not really understand the root of.

I was very happy, Mr. Deputy Speaker, when the Attorney General couched his discussion today in the evolution of this idea legalistically, and I thought that was important for the wider understanding in the Chamber. I thought it was important for the wider public understanding, that he would take the time to explain the legal evolution of the idea and how we got to this point, but that legal evolution, there is another explanation that exists in other places.

Mr. Deputy Speaker, we have particular and peculiar problem when it comes to development in this country, because we really have two histories of development, and they are sort of centred around the way the State has operated and we need to understand that, or the implementation of this will not have the effect that we wanted to have, but this law in itself is battling against that historical problem. We had two different kinds of development.

Mr. Deputy Speaker, we were a colony until 1962. The State was a colonial state. The State was by its very nature of being colonial, antagonistic to certain kinds of development. So the State, as a colonial state, had a state-centred development, and it was very, very, very restricted and you could see that pattern in almost anywhere you had a colonial relationship.

Mr. Deputy Speaker, we have a history of very centralized development that is not peculiar to Trinidad and Tobago, it is something you find in almost any colony. Very simply, we have a capital city, Port of Spain, which is what you will call historically a primate city, because that is how colonialism operated. It will have a central point where everything was located, where the power centre was located, where the persons who worked for the colonial government usually lived and worked, and everything was centralized there, so the development was centred

there. Everywhere else was less significant, everywhere else was hinterland. We had a colonial State that was antagonistic to any kind of development that it did not control, it did not steer. So to have development you had to almost do it in the face of the State, you had to do it in a way that was antagonistic to the State.

Mr. Deputy Speaker, we have communities in this country that are developed or have evolved out of something called free villages, because in the wake of emancipation there was an intent to keep the enslaved on the plantation, and you could only develop by basically going to squat land and creating villages and communities where none existed. That was development antagonistic to the nature and intent of the State. So we have two histories of development here. We have one history which is state-centred, state-controlled, we must dominate development, we must say what is and what is not development. And we have another legacy of people who because of the actions of the State and the intent of the State are forced to develop basically as an affront to the State. We have both those legacies here, Mr. Deputy Speaker.

In 1962, the State becomes us and we become the State, the colonial government is gone, but both legacies remain, and because of that, Mr. Deputy Speaker, we have a culture here which is antagonistic to any kind of regulated development. That is why people feel they have a right to build anywhere, whatever they want, how they feel.

Mr. Deputy Speaker, if you ask every Member of Parliament here, any Member of Parliament, they will tell you that every week they get complaints that some developer unregulated, no Town and Country approval has built something somewhere blocking off some natural watercourse, blocking off some road reserve, building on some aquifer or attempting to, building where they are not supposed to build. And that person generally feels that he or she has a right to do that simply

by the provision of owning the property without any kind of regulation, and that is our history and that is our culture and that is the way we generally operate.

Mr. Deputy Speaker, when societies evolve as our evolving they become more complex, they become more complicated, they have to develop systems to deal with that complexity in order to maintain order and to ensure progress, that is what we are doing here. We have come to the point on one hand, Mr. Deputy Speaker, where we have to understand in high definition the consequences of unregulated development.

Mr. Deputy Speaker, the Members of Parliament from central Trinidad should be the ones most interested in this Bill. [*Desk thumping*] They stand to benefit the most, because every year if they are MPs who are effective and who actually live or are in any way concerned with their constituents, they would know that one of the root causes of the flooding that engulfs much of central Trinidad, much of south Trinidad is a consequence of unregulated development, they live that every year.

Mr. Indarsingh: What does cause Port of Spain flooding?

Mr. Imbert: Water.

Hon. Dr. L. Francis: They live that every year. [*Crosstalk*] The same thing.

Dr. Gopeesingh: The Caroni River.

Mr. Deputy Speaker: Silence.

Hon. Dr. L. Francis: Mr. Deputy Speaker, they should be the ones most interested in this Bill because they stand to benefit. If we can limit, we can restrict, we can control, we can direct the kind of development we have here, these Members on the opposing side stand to benefit, everyone stands to benefit.

Mr. Deputy Speaker, but this is also a projection for the future. We live in a very small land space as the Attorney General said very, very coherently and

clearly, we have a limited land space. At some point it is going to become the fact that the buildings we build with four or five stories, two or three stories will become passé, and simply because of space, we will be required to build taller and taller buildings out of necessity.

You do not want someone who has questionable acumen, questionable skills, questionable abilities, questionable accreditation supervising, vetting or—it is part and parcel of it, it is part and parcel of it. You do not want a planner, you do not want planners who are not competent having any part to play in that process, there are severe and significant safety issues.

Mr. Deputy Speaker, planning is a very specific skill, it requires acumen, it requires ability, and to ensure that we have the kind of planning we need here to take us into the future, it requires regulation. There is absolutely nothing wrong with the Government creating a council to ensure that the planners are organized properly, regulated, competent, and able to carry out their duties. There is absolutely nothing wrong with that. The spectre of this becoming some sort of state board is overblown. It is the case that professions have professional bodies that supervise them. That is the norm and has been the norm for centuries, and will continue to be the norm.

Mr. Deputy Speaker, we are a small-island developing nation with finite land space and dwindling resources. The State on one hand, and I would suggest on the other hand, even the private sector can no longer afford the luxury of bad development, poor development, misplaced development, we have come to the point in our history where that kind of thing can no longer be sustained by either the private or the public sector. It is to the benefit of all of us that we have this kind of regulation, it is to all of our benefit that we have this council in place. It is to all out benefit that we ensure the right people with the right abilities and acumen

become planners. It is to the sustainable development of this nation that we do this kind of thing.

So it was my pleasure, Mr. Deputy Speaker, to stand in support of this Bill this good afternoon. I reaffirm my support to the Attorney General, Minister of Planning and Development in their framing of this. I see the importance and relevance of it particularly in a community where it is still the norm that people build houses in places where houses should not be, and then suffer the consequences and then I end up having a very difficult discussion with them.

Mr. Deputy Speaker, this Bill as simple as it is, as narrow as it may appear, is important to all of us, and I thank you. [*Desk thumping*]

Mr. Deputy Speaker: I recognize the Member for Tabaquite. [*Desk thumping*]

Dr. Surujrattan Rambachan (Tabaquite): Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, I am very happy to join this debate but, again, since it involves matters of development, it is well known that I am a developer and, again, I declare, you know, my interest as a developer in these matters. So, you know, if I say things that may sound like it serves my interest, it is unfortunate, but it is part and parcel of the thrust of the debate that has to take place here today.

Mr. Deputy Speaker, I expect quite a lot more from the Member for Moruga/Tableland. Every time he speaks, it is so convoluted that I wonder whether he is really speaking about the Bill. What is he speaking about, is it historical context and so on, but today his contribution was vacuous [*Desk thumping*] irrelevant, in my view, unbecoming of his training and an embarrassment to the constituents of Moruga/Tableland, really and truly. I expected much more, I expected him to really put into context the importance of this Bill and planning, so that he could have raised the stature of his constituency and shown how they could be developed [*Desk thumping*] into a First World

society as part of the new world.

Mr. Deputy Speaker, the Member of Parliament for Caroni Central in his incarnation as the Minister of Planning and Development did a fantastic job in terms of planning in this country. [*Desk thumping*] Let us not take away the credit from the Minister of Planning and Development. The Minister of Planning and Development laid certain foundation in terms of serious institutional change and institutional development and redevelopment and that has not taken place for years in this country. Right? And they are just trying to ignore it, but today [*Desk thumping*] we are seeing them building on the very foundations that were laid by the Minister of Planning and Sustainable Development whether including [*Desk thumping*] the Central Statistical Office on the direction in which it is going and what have you, but he laid foundations, and I am not going to allow anyone to take away [*Desk thumping*] from the credit from what was done by him and the People's Partnership Government.

Even the worthy Attorney General and Member for San Fernando West admitted today that this particular Bill and the Planning and Facilitation of Development Bill was given impetus by the Member for Caroni Central as the Minister of Planning and Sustainable Development. [*Desk thumping*]

And it terms of Moruga/Tableland, you know, harping upon we saying, we had a plan. Yes. Yes, Mr. Deputy Speaker, we had a plan [*Desk thumping*] and, yes, we have a plan for the future regeneration, the construction and prosperity of Trinidad and Tobago. That plan was presented here in the budget debate, it was presented here. We had a plan, Mr. Deputy Speaker, in answer to my friend. We had a plan that created 50,000 jobs while we were in office. [*Desk thumping*] We did not have a plan that caused us to lose 50,000 jobs under this current PNM. [*Desk thumping*] We had a plan that was bringing in foreign investments every

year into the country. What is the plan now where you have a dearth of foreign investments into the country, and you have now impetus going given to the kind of development that is required to diversify away from energy as a whole.

We had a plan that was aimed at increasing tourism, and the revenue from tourism. It was not just pie in the sky to say that we were going to build the National Cycling Centre or the tennis centre or the Aquatic Centre or what have you. Those were part and parcel of a wider cultural and tourism diversification plan [*Desk thumping*] and the oncology centre also.

And I was coming to that, because my next point was on medical tourism. The whole idea behind the children's hospital in Couva was not just about Trinidad and Tobago, it was about putting ourselves and our footprint in terms of [*Desk thumping*] the mental expertise and the future for medical tourism in Trinidad and Tobago therefore, the foundations were being laid. We had a plan [*Desk thumping*] and we have a plan for the future.

Mr. Deputy Speaker, today we are hearing about 11 trillion cubic feet of gas being found which perhaps just doubled our gas reserves, the quantum of gas reserves, and is now going ensure that we have revenues, a stream of revenues for the future. Where did that come from? That came from the People's Partnership when Kevin Ramnarine was the Minister of Energy—[*Desk thumping*]

Mr. Deyalsingh: Mr. Deputy Speaker, regrettably Standing Order 48(1), please.

Mr. Deputy Speaker: Yeah. Member, I want you to tie it in to the relevance of the—

Dr. S. Rambachan: Mr. Deputy Speaker—

Mr. Deputy Speaker: I want you to tie it in to the relevance, so I will give you a couple—

Dr. S. Rambachan: The Member for Moruga/Tableland said we did not have a

plan. [*Desk thumping*] If we did not have a plan to resuscitate energy, today BPTT, Shell and BHP would not be finding all this deep water— [*Crosstalk*]

Mr. Deyalsingh: Mr. Deputy Speaker, regrettably again, Standing Order 48(1).

Mr. Deputy Speaker: Member for Tabaquite, I would just like you to tie in the point that you are making. Yes, it is all about a plan, but what you are saying I would like to you to tie it in with regard to the Bill.

3.50 p.m.

Dr. S. Rambachan: Mr. Deputy Speaker, it is about planning for the future, [*Desk thumping*] planning for the future, and part of the planning was how we use not just our finite land but how we use our sea reserves also, Mr. Deputy Speaker. [*Desk thumping*] Mr. Deputy Speaker, you know, what our plan had in mind and how our plan was going to be used, and how urban planners are going to be coming into this is that we were ring-fencing certain sectors in the country; health was one.

Mr. Al Rawi: I rise respectfully on 48(1). This Bill to treat with regulation and establishment of urban planners, Mr. Deputy Speaker, I most respectfully ask you to confine this debate lest we open it too widely.

Hon. Member: Nah, no.

Ms. Ramdial: No, Faris, “doh open it up Nah”.

Mr. Deputy Speaker: Now, again, hon. Members, as I mentioned, I am giving Tabaquite, he has gone on to another point, I just want him to tie it in quickly, and each Member would have the opportunity accordingly, when they are given the opportunity. Proceed Tabaquite. [*Desk thumping*]

Dr. S. Rambachan: Mr. Deputy Speaker, one of the things we were doing in the country is we were making our children from primary schools right up, technologically and IT sufficient, and with a sufficiency so that when they became

urban planners and they had that profession in mind, they would be able to compete globally. [*Desk thumping*]

Mr. Lee: “Aaah”, he would not understand that.

Dr. S. Rambachan: Mr. Deputy Speaker, the Member for Moruga/Tableland spoke about consultation, and it sounded like he was frowning upon the whole idea of consultation. Consult, consult, consult, we are always asking about consultation. Mr. Deputy Speaker, you do not build an inclusive society by arrogance and ignoring the feelings and views of others. You do not do that. [*Desk thumping*] You do not do that, Mr. Deputy Speaker.

And I am responding directly to his matter of consultation. You build an inclusive society, you build a true democracy by respecting diversity. And then he talks about they inherited chaos, everything was chaos. Well, go down to the passport office and find out how long it taking you to get a passport today. Go and see why people are lining up in the early hours of the morning for a birth certificate. [*Desk thumping*] Where is that chaos now from? How come people were getting a passport in a week during our time and a birth certificate in a day? [*Desk thumping*] How come a business was being set up in three days compared to 72 days under the PNM? Where is the chaos? [*Crosstalk*]

So, Mr. Deputy Speaker, I “doh” need to go more on that, I “doh” need to go more on that. Then he talks about—the Member for Moruga/Tableland talked about colonialism. You know, one of the things this society has to understand and understand very quickly, is either you stay mentally in colonialism or you make an instantaneous leap into independence. [*Desk thumping*] How long we are going to go on blaming colonialism for our present condition? How long are we going to do that? That is why we are going to stay where we are. When you have a Government that has a Minister in Moruga/Tableland getting up here and talking

about blaming colonialism, it shows the psyche that now envelops that Government, [*Desk thumping*] and therefore they are stuck in time. They are stuck in time. They are not futuristic. They are not visionary, and that is why the country is receding, rather than progressing. [*Desk thumping*] We must understand 1962 meant that we took responsibility for ourselves, and the quicker we stop blaming history for our present circumstance, it would really free our minds and free us, free our intellects to be creative and flourish into prosperity.

Mr. Deputy Speaker, I just want to say, in response to my friend from Moruga/Tableland, he talked about the number of people who are breaking the laws and squatting and doing what they are doing and so on. I agree, people are doing that, but you must ask the question also, you know, are the authorities and people who have been put in charge of institutions that should be giving the permission and freeing up bureaucracy, are they the ones frustrating the process of development that is causing people to take actions that they should not? [*Desk thumping*] And if it is that we have a situation as we have, then I would support this Bill if urban planners are going to cause us to bring some relief to that area of human beings, that quantum of human beings in our country who might find themselves in such an unfortunate position. What we should be doing in this country is finding a solution to the squatting problem that they talked about by trying to develop those communities and then really and truly enforcing the law thereafter.

Mr. Deputy Speaker, I just want to remind that the United National Congress has always been and will always be about a home-owning democracy and a land-owning democracy. [*Desk thumping*] My friend from Moruga/Tableland talked about unregulated development, and singled out central Trinidad, singled out central Trinidad—

Mr. Deputy Speaker: Silence at the lower end of the Chamber.

Dr. S. Rambachan:—as if there is no unregulated development in other parts of Trinidad. You know, I want to ask something, what about the unregulated developments on the foothills of the Northern Range? What about all that unregulated development? What about the unregulated development destroying the forests and making the land bare on the Northern Range? And he talks about that we should be grateful in central Trinidad. Where is that water when it cannot get into the ground in those areas, where is it going?

Dr. Tewarie: Port of Spain.

Dr. S. Rambachan: Where is it going? Flooding Port of Spain, or is it coming down and also flooding central Trinidad? I want to remind the hon. Member for Moruga/Tableland that it was the Minister of Planning, Dr. Tewarie, when those problems started, that he created regulation to say that people could not build above 600 feet.

Hon. Member: Three hundred.

Dr. S. Rambachan: Three hundred feet, on the range. Was that not good planning? Was that not good planning? Was that not good foresight? [*Desk thumping*] He talks about regulations. It was Dr. Tewarie, because the Member for Moruga/Tableland said just now you have to build high-rise buildings because of the finite nature of the land. I agree with him. But that Government was denying people that all the time, and that Town and Country Planning was doing that, especially in terms of the committee that had to deal with appeals, which committee today is again frustrating people in this country from developing this country and creating jobs in this country, and providing affordable housing in this country. [*Desk thumping*]

Mr. Deputy Speaker, it was Dr. Tewarie, the Minister of Planning, who

came to Cabinet and spoke in Cabinet about increasing the heights of buildings in central Trinidad and other parts of Trinidad, because we recognized that planning involved not just planning and developing Port of Spain but developing the rural townships and so on, so we could have people living all across the country rather than flooding into Port of Spain to have to do everything. We were truly about planning in terms of devolution and diversification. [*Desk thumping*]

Mr. Deputy Speaker, today we are here to deal with this Bill, and one of the things that was raised here this evening was the whole matter of the three-fifths majority, and the Attorney General saying that we do not need a three-fifths majority with respect to this Bill. Mr. Deputy Speaker, this gives me many opportunity to go into the Constitution of Trinidad and Tobago, and I think it is important, and to put it on record for the public knowledge and public good. Section 4 of the Constitution, Chapter I, section 4, the recognition and protection of fundamental human rights and freedom, because I too, like my colleague from Caroni Central, believe, that rights of people are being taken away or restricted by this Bill. [*Desk thumping*] And I cannot be part of a Parliament that restricts the rights of people when you are talking about a future society of freedoms, and more—and a greater freedom of the intellect, also, of people.

“4. It is hereby recognised”—the rights enshrined—“...that in Trinidad and Tobago there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex, the following fundamental human rights and freedoms, namely:

- (a) the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law;
- (b) the right of the individual to equality before the law and the protection

- of the law;
- (c) the right of the individual to respect for his private and family life;
 - (d) the right of the individual to equality of treatment from any public authority in the exercise of any functions”—equality of treatment;
 - “(e) the right to join political parties and to express political views;
 - (f) the right of a parent or guardian to provide a school of his own choice for the education of his child or ward;
 - (g) freedom of movement;
 - (h) freedom of conscience and religious belief and observance;
 - (i) freedom of thought and expression;
 - (j) freedom of association and assembly; and
 - (k) freedom the press.”

I would not go into section 5, but section 5 also is very important. But I simply read this into my contribution in order to enforce and reinforce the fact that you just do not willy-nilly come about and say that you are going to remove this requirement and put a requirement for a simple majority.

I admire the Attorney General in terms of his very vociferous presentations here, and his confidence he expresses in terms of his ability to want to convince. [*Laughter*] But, you know, the Attorney General has been treading a path that I fear has certain dangers for the country, which is his somehow conscious or unconscious desire to remove these three-fifths majorities from legislation. Something which came by very hard fight to get into that Constitution, when the Constitution was determined. Well, maybe one day, after the Attorney General has retired from the Attorney General in a couple months' time, [*Laughter*] maybe a year time, he will probably tell us, you know, why, why, why is it that he wants these three-fifths majorities removed. But I think it is important, Dr. Tewarie, that

we put it on record, what are these section 4 and section 5— [*Desk thumping and interruption*] Yes, the constitutional right.

Dr. Tewarie: And self-promote.

Dr. S. Rambachan: Mr. Deputy Speaker, you know, in terms of this entire Bill, you know so much of this Bill is about discipline and rules and so, and so on of the council. But, you know, I do not know, maybe I am different, maybe I am a simpleton, maybe I am simple-minded. But I saw wonder whether we need all this kind of legislation, or whether Bills and legislation and our discussion here, should it be meant for one thing and one thing only, how to make life easier for people.

Mr. Charles: “Aaah”. [*Desk thumping*]

Dr. S. Rambachan: How to foster development. How to reduce bureaucracy. How to kill frustration of people in this country. How to remove the stress of people. You know when you read what an urban planner does, you would see the extent to which an urban planner is important. He is a professional who works in the field of urban planning for the purpose of optimizing the effectiveness of a community's land and infrastructure. They formulate plans for the development and management of urban and suburban areas, typically analyzing land-use compatibility as well as economic environmental and social trends. In developing any plan for a community, whether commercial, residential, agricultural, natural or recreation, urban planners must consider a variety, a wide array of issues including sustainability, existing and potential pollution, transport, including potential congestion, crime, land values, economic development, social equity, zoning codes and other legislations.

And it is true. Dr. Tewarie, when this legislation was developed, I remember, you know, he always talks about the future and the 21st Century, and the importance of the urban planner is increasing in the 21st Century because

modern society is beginning to face issues of increased population growth, climate change and unsustainable development, and an urban planner could be considered a green collar professional, a green collar professional. And urban planners will work in many different planning cultures, and therefore they will have to adapt. But one of the things that I did not see in the Bill yet, but I saw it in the last clause of the Bill, is exactly saying in the Bill, or for the Minister to say, what an urban planner is expected to do. And in clause 60 of the Bill it says here, 60(2)(d):

“(2) Without limiting the generality of the foregoing, the Minister may make Regulations for—

(d) identifying the types of activities that could be undertaken by an Urban and Regional Planner.”

And I consider that important AG, because I think the country would like to understand really what would be the scope of work that an Urban and Regional Planner can undertake. So unless we see the regulations we will not be able to know exactly what the scope of this work would in fact be.

So, Mr. Deputy Speaker, this Bill is a very important Bill. There is no question in my mind about the importance of the Bill. It is an extremely important Bill, because in reality professional standards are extremely important, especially in developing nations, where lack of standards can and does result in classic situations, sometimes very difficult to reverse. And especially dealing with the use of one of the world's scarcest assets, which is land, it is important that the right balance be struck between environmental sustainability and human habitation and the use of land. And that is where I see the role of the urban planners and that is why I said that I would like to see the regulations in terms of exactly what an urban planner is going to do.

You know, I agree, in this case with the Member for Moruga/Tableland, in

this respect, that we have suffered enough from poor or no planning with respect to land utilization. But I also believe that we need to have a review of how decisions are being made with respect to—at the level of the authorities—with respect to change of use of land in Trinidad, with respect to high-rise buildings. You know, I implore the Minister of Planning and Development and the Attorney General to read some very, very good articles that are being written by Ryan Darmanie in the *Newsday*, an urban planner, and where he makes a strong case for the way we look at Port of Spain and what is the current cost of an apartment in Port of Spain because of the restrictions that are being placed in Port of Spain.

Port of Spain is a dying city, as it is a dying city because people do not want to live here because it is too expensive to live, it is too congested to live, then you got to make it in a way that is more attractive to people. People cannot pay \$2million for an apartment in Port of Spain, but if you look at what Mr. Darmanie is saying, and if you look at his vision and his construct in terms of his projection of his ideas, you would see that maybe more people can be attracted to come back into the environs of Port of Spain, and similarly we have to look at other places like Chaguanas and so on. You know, as I speak about that Mr. Attorney General, one of the things that bothers me about planning and the role of— well, people in the current, what you call, state planning agencies, is the way they grant permits for people to set up funeral homes in residential areas, or crematoriums. I really, really have a problem with that. Why are you allowing, why are the state agents allowing people to set up funeral homes all over the place especially in residential areas, and affecting the cost of property? This is a very serious thing.

[Interruption]

Mr. Deputy Speaker: Again, no other comments, please.

Dr. S. Rambachan: A very, very serious thing. And it is a matter that I am

raising here, not because, you know, I have anything against anybody doing business, but we have to have some regulation of what. You know, the only funeral home in this country that is not established in a residential area is Dass Funeral. They are established in an industrial area in Chaguanas, in an industrial area in San Fernando. They are the only two that I know.

Mr. Deyalsingh: Battoo too.

Dr. S. Rambachan: Battoo, okay. But you have everybody else just setting up crematoriums on Coffee Street, and all about, and the state agencies are allowing that?

Mr. Hinds: Where Rodney's is?

Dr. S. Rambachan: It is nonsense.

Mr. Deputy Speaker: Please, Members.

Dr. S. Rambachan: So, I hope those are kinds of issues urban planners are going to deal with in the country.

Mr. Deputy Speaker, people with cash in this country do not see the need to make applications and go through the tedious process. They just do not make the application, they do not go through the tedious process. They build. They just build, and they bank on a certain theory, which maybe the Attorney General could tell me if this is right or wrong, if I am right or wrong; they bank on a theory, a widespread theory and belief, that they cannot be affected if after four years the authorities have not done anything to break down their building or to affect them, and that is something that we have.

Now, while the creation of this council would create a code of ethics to supposedly regulate the behaviour of planners, it will not deal with the rampant problems of unplanned and authorized developments, which have been known to contribute to the myriad of flood-related problems. So, policing the profession is

important, it will encourage a greater level of professionalism, but in a sense that is all it does until you really are serious about the insurance and indemnity and so on that you are asking people to have, and that you could carry them to court for giving poor advice or what have you. Well, you know, I want to ask certain questions: what about all those people who have been giving poor advice to the HDC, that we see some of those houses falling down, and they do not have steel in the steps? What about the people who gave advice to building up all those houses in Greenvale? Who were the consultants? Who were the architects? What about Las Alturas and so on? Who were the ones who gave all that advice?

Hon. Member: Do not talk that. Do not talk about Greenvale.

Dr. S. Rambachan: Those people and those professions come under an Act in which they have to have indemnity insurance also. So, if you are putting this here and you do not have indemnity insurance now for all those other categories, are you going to revise the legislation also for those other professions that they will also have to have indemnity insurance, Mr. Deputy Speaker? Because, you see, the Sixth Schedule of the Code of Ethics in this makes some very important points, and I want to refer to the Sixth Schedule where it says in paragraph three and four:

“3. An Urban and Regional Planner shall consider in his practice of urban and regional planning the following concepts:

- (a) land is a finite resource, particularly in small island States, and should be utilised in a judicious manner;”

Mr. Deputy Speaker, in this Parliament we recognize in a budget debate the importance of land. The hon. Prime Minister sat in that seat and when he spoke he talked about the Tabaquite initiative, and part of the Tabaquite initiative was, in that budget, saying to the Government, allow people to develop four apartments on a 5,000 square feet of land. You know today, Mr. Deputy Speaker, up to this day

people are being denied the opportunity to buy a cheaper apartment because the Minister of Planning and Development has not changed the regulations, and she refuses to do it.

Dr. Gopeesingh: “Ooooh”, no. [*Desk thumping*]

Dr. S. Rambachan: Four years later.

Mr. Charles: Antediluvian.

Dr. S. Rambachan: Anti-people, anti-poor people. [*Desk thumping*] Anti-middle class, anti-lower middle class. [*Interruption*]

Mr. Deputy Speaker: Please, Members!

Dr. S. Rambachan: This is a serious thing. So you are asking the urban planners that land is a finite resource and so on, but they will make all their recommendations, but are they going to be frustrated by the system, and are they going to be frustrated by the bureaucrats? Because, Mr. AG, you did refer to that, that they are going to be working in a framework, but is the Government prepared to revise that framework and to revise that archaic set of rules and regulations that is now frustrating developers in the country? The need to protect the integrity of the natural environment is what urban and regional planners should consider. He should consider:

“(c) problem solving involves an analysis of choices which requires the balancing of competing interests;”

He should consider:

“(e) the need for meaningful and informed public participation in the urban and regional planning process and due consideration of available choices;”

But yet I hear the Member for Moruga/Tableland talking about too much consultation. And yet you are asking the urban planners in the Code of Ethics to make sure that they respect all of that.

And then the urban planner should consider the following concept, and listen to it:

“(g) the rights and privileges of individuals under the Constitution and other written laws;”

And here we are talking today about removing the three-fifths majority.

“(h) the pursuit of excellence in design, whether in natural or built environment;”

(i) the need for public advocacy; and

(j) the desirability of monitoring and evaluating the implementation of a plan.”

So, you are asking the urban planner to do all of this, I agree, Mr. Attorney General. These are good things. These are very good things, nice framework within which code of ethics are going to work, but the question for me is, you want them to do all these nice things, but what is being done to change the environment in which they are going to operate? [*Desk thumping*] Change those archaic rules and regulations. Not when we come to this Parliament and discuss something and agree upon it, and then the Minister refuses to change the regulations. You know, I am in and out of Town and Country Planning every week you know, and last week somebody in Town and Country said to me—

Mr. Imbert: You recuse yourself from going there.

Dr. S. Rambachan: Yes. Yes, of course, I go and sit in the public gallery, they will tell you, and I wait until my number is called.

Mr. Imbert: Did you recuse yourself?

Dr. S. Rambachan: I wait until my number is called and then I go in. Somebody told me, “we fraid you go and talk in Parliament again about us”.

Mr. Deputy Speaker: Hon. Member. Hon. Member—

Dr. S. Rambachan: Sorry.

Mr. Deputy Speaker:—your initial speaking time has elapsed. You have an additional 15 minutes. You care to avail yourself?

Hon. Member: You need more than that. You need plenty more than that.

Mr. Deputy Speaker: Member!

Dr. S. Rambachan: Yes, I am taking it, Mr. Deputy Speaker.

Mr. Deputy Speaker: Well, you did not say.

Dr. S. Rambachan: Yes, yes.

Mr. Deputy Speaker: Proceed, proceed. [*Desk thumping*]

Dr. S. Rambachan: So, the whole question of the registration of planners and so on, it causes me concern. You see, my colleague, the Member for Caroni Central, talked about restrictiveness, and whether this Bill will cause people not to enter the register, or whether, you know, things will happen that people are denied being registered.

But you see, there is an issue here, you have a situation where— and I am subject to correction, but I think my colleague Dr. Fuad Khan could correct me, there was a time when people used to complain that they could not get registered as a pharmacist because there used to be a cartel controlling it. I do not know what is happening now. I remember having to go, as the Mayor of Chaguanas, and beg to see if I could get somebody into the pharmacy programme. What about the nurses in this country who are complaining to me now in my constituency, they are having difficulty getting registered, and no jobs. No jobs for pharmacists, for pharmacy graduates. There is an article, 22nd of May, 2009.

Mr. Deyalsingh: Mr. Deputy Speaker, Standing Order 48(1), please.

Mr. Deputy Speaker: Again, Member, I will give you a couple seconds to tie it in in order to the relevance of the particular Bill we are debating.

Dr. S. Rambachan: I am dealing with the question of restricting, restrictiveness and restricting people from entering the profession. [*Desk thumping*]

Mr. Deputy Speaker: And in terms of—and the relevance with the Bill.

Dr. S. Rambachan: With the Bill, because they talked about what are the conditions under which people are going to be registered, and as a profession and what have you. It is there in the Bill. [*Desk thumping*] The Bill is flooded with pages of that. What kind of qualifications they have to have, the kinds of recommendations they have to have from people. Suppose they cannot get those recommendations? Suppose it is a cartel of people dealing with this thing? A cabal, then what happens? [*Desk thumping*] Then what happens to people? So, it is of concern to me. Mr. Deputy Speaker, for someone who wants to develop a plot of land, and I hope our understanding, Dr. Tewarie, is correct, that urban planners would not be required below 20. But the way this Government acts you might end up with an urban planner having to sign you plan, you know.

Dr. Tewarie: They are not supposed to be required.

Dr. S. Rambachan: Well right. So, let us hope that what is there in the facilitation of development Bill, really ties in with what is in this, and that not every person, Mr. Deputy Speaker, wanting a plan will then have to go and get it signed by an urban planner. That we will have a clear idea of what the urban planners will sign and what they would not sign. That is not declared yet in the legislation, eh. That might be part of the regulations, but I do not see it in the legislation.

So, while the Bill lays out the criteria, there are many persons who are by reason of their occupation in both the private and public sectors, they are deemed urban planners. Now, for someone who wants to develop a plot of land, generally such a person now does not necessarily have to go to a town planner or even an

architect, but perhaps a surveyor and a draftsman, or someone who can develop a subdivision plan, and they submit it to Town and Country, and at Town and Country they would apply possibly land-use zoning criteria and other regulations, and such a plan will be passed or not passed. The question is, with such a developer, any developer, any number of lots of land, any number of houses, now has to use an urban planner to prepare documents when this Bill is passed. I want us to be very clear on this. Would this incur then additional development costs, and would it make a difference if that all the town planner is doing duplicating the existing work of the surveyor according to the Town and Country Planning regulations?

Because right now the surveyor or the draftsman or even the individual, all they do is meet the requirements of the Town and Country regulations. And if it is that all the urban planner is going to do now is meet those regulations, then whether you like it or not, the urban planner is going to do work within the regulations. So if those regulations continue to be restrictive, if those regulations continue to be regulations that are not in keeping with modern-day requirements for human habitation and development, and what have you, we are not going to go anywhere. We are not going to get anywhere. All we are doing is creating this particular profession under the Act, but we are not going to progress.

Mr. Deputy Speaker, now, I note the words “Urban and Regional Planner”, and I wondered whether the words “regional planner” should not have been included there—“rural” also? You know, if this country is to progress, and if rural underdevelopment is for the attack that is called, then rural planning is also important. And I find, you know when you talk about urban planning, there is a kind of bias in the language, although maybe they tried to capture it with regional planning, but I would like to hear that we are talking about rural planning and rural

development also.

4.20 p.m.

Because you see, part of our problem in terms of urban planning or planning has been the focus upon urban communities and townships. And despite the preoccupation of regional plans by the Ministry of Rural Development and Local Government, we have not seen this really manifested, you know. Look, each corporation since the days of Mrs. Hazel Manning were asked to do regional plans, you know, but what has happened to these regional plans or spatial plans as they called it, what has happened to them? Nothing really has happened to them, you know. Because everyone sees that as an exercise in futility, because of the overpowering regulations of the Town and Country and what have you. And there is another reason, because it has to be tied to development, an overall development plan. And the Governments of the day must have, must take notice of what they are asking local government to do and not ignore it by their overwhelming advocacy of their own position to the exclusion of what the people want. I can tell you, eh, those strategic plans, spatial development plans, were developed after wide consultations in the regions, you know, wide, wide consultations.

So, Mr. Deputy Speaker, I hope that changes in the environment, social and habitational changes that are taking place, without a change in the Town and Country behaviour, attitudes and regulations would not cause these urban planners, professionals to be working in a stagnated environment.

Now, Mr. Deputy Speaker, a lot—a question I am sure that has arisen in people's minds is, why do you need legislation at all to regulate the work and professionalism of urban regional planners? And as I said it could be answered in asking what threats do people, communities or society face if the work of urban planners is not regulated. A lot of the answer to this question will come from an

understanding of what urban planners do and I come back to that point, Mr. AG, I come back to that point. You know, let us clarify what are they expected to do in the country. Because this Bill is highly regulatory, you know. If you really read this Bill, it is highly regulatory and for it to be effective so much of the Bill is focused on disciplinary matters, I think it will be necessary to understand the policies of Government or Ministries which urban planners are supposed to adhere to and follow in their work outputs.

So, as I close let me just reiterate some of the issues I raised. Is it now necessary for all plans being submitted to Town and Country for approvals to be signed by a registered town planner? Does this include not only land development plans but also simple residential housing plans and under 20 lots. What is the future of technical people at the Town and Country Planning Division in the approval process? How are state planners going to be incorporated into this Bill? I think the Bill allows for state planners to be incorporated, but do they have to become members of the Society of Planners first?

Dr. Tewarie: Yes, they do.

Dr. S. Rambachan: Right. If the plans must be vetted and signed by a registered licensed urban planner, how would the fees be determined? Would the fees be regulated, and if so, by whom? Because the Bill makes reference to people could go to court to get back money and so on and so forth. Now, you know if you go to a valuator you pay a quarter of 1 per cent of the value of the property. So on a \$2 million property you are paying about \$5,000 for the valuation. So how are urban planners going to be remunerated? Is it going to be a private arrangement between the client and the urban planner or is there going to be some kind of regulation by the Minister in terms of fees?

The other question is, how do you prevent abuse by the council if they

attempt to limit the number of licensed urban planners? How do you do it? What is the entitlement of the Society of Planner's members to be actually placed on the list on the register and issued a professional licence? And I say that because there are several categories of members on the list, on the TTSP list, many categories and it seems that only one category is being allowed, professional. How are the other categories going to be brought into the picture?

So these were some of the matters I wanted to raise except that, with respect to appeals, the Environmental Commission is the court that has been named as where the appeals could be launched. But is this going to be a final court, the Environmental Commission, that it is going to be determined there and there are no further appeals, what is going to happen? What is going to happen after that, AG? And you know, really, how competent is this court to deal with these kinds of matters? How competent is the court to deal with these kinds of matters. [*Desk thumping*] I do not know, you know, the Member for Moruga/Tableland said that he was not a lawyer. I am not a lawyer, therefore, Member for Laventille West, I am permitted to ask that question as a layman on behalf of all lay people in the country. [*Desk thumping*] I see you are basking in your new appointment, but the people are not basking. [*Crosstalk*]

Mr. Deputy Speaker, you know, having said all that, I want to go back to what the Member for San Fernando West said, about the failure of enforcement in this country. You can have all of this, all of this, but the best town plans developed by the technically competent urban, regional planners, we are of no use unless there is enforcement, no use, no use. People are changing water courses, there are boundary line violations, they are not putting in utility corridors, roads and drainage specifications are not being looked at. There is so much abuse taking place, so much abuse taking place. So urban planners may have the best of

intentions but their vision, their expertise could be severely undermined by defaulting developers.

So Mr. Deputy Speaker, I think it is a good idea to have urban planners, I think it is a good idea to have them as part of the profession. But I have raised some concerns which I hope that the Attorney General will deal with in his wind up. Thank you very much. [*Desk thumping*]

Mr. Deputy Speaker: Hon.Members, at this time we will suspend for tea as agreed by the Leader of the House and the Chief Whip. We will resume at 5.00 p.m.

4.27 p.m.: *Sitting suspended.*

5.00p.m.: *Sitting resumed.*

[MADAM SPEAKER *in the Chair*]

Madam Speaker: Member for Couva North.

Ms. Romona Ramdial (*Couva North*): [*Desk thumping*] Thank you, Madam Speaker. Thank you very much. Madam Speaker, it is a pleasure to contribute on this the Urban and Regional Planning Profession Bill, 2019. But before I get in into my detailed contribution I would like to respond a little bit to the Member for Moruga/Tableland and some of the comments that he made in this debate. And I would like to remind him that right in Moruga/Tableland, and I am reliably informed, that there are HDC developments without any planning approvals as I speak. And I make reference to Gomez Trace, Phase 2 Moruga.

So, as the Member for Moruga/Tableland stood and talked about planning and how good it is that the Government is coming with this Bill, what I do not agree with in terms of his criticism on this side was that here it is a Member of Parliament for a particular area is standing speaking about this Bill but would not identify some of the issues within his own constituency where there are no approvals for HDC. And

I just want to give a little bit of detail with respect to this.

According to the Princes Town Regional Corporation, no approvals were given for 80 reinforced concrete structures at Gomez Trace, Phase 2 Moruga. There are roads, drains, water and electricity existing in the development, people are living in this development and the Princes Town Regional Corporation records indicate that no approvals were granted for the subdivision and layout of the houses existing in this particular area. And therefore, Madam Speaker, and as the Attorney General in piloting the Bill spoke about bringing structure, these are some of the issues that the Member for Moruga/Tableland needed to highlight and not chastise and criticize my colleague the Member for Caroni Central. And I will move on from that.

Now, Madam Speaker, like my colleagues before me I want to express my dissatisfaction with the erosion of the three-fifths majority that is required for this Bill and I want to support my colleagues and the Opposition here in stating that these fundamental rights of sections 4 and 5 should not be so easily pulled out of pieces of legislation spontaneously like the Attorney General has done here this afternoon. And therefore, for the *Hansard* record I want it to be known that the Member of Parliament for Couva North continues to be dissatisfied and not agree with the AG with respect to eroding these fundamental rights, section 4 and section 5 that are enshrined in our Constitution when it comes to legislation and passing legislation in this House. I really do not know what he is trying to achieve by this because initially we agreed to this Bill even though it is not the version that we would have had in 2014, and I will get into that a little bit with respect to the version we had and we laid in 2014 and what is here before us now this afternoon.

Now, Madam Speaker, the Member for Moruga/Tableland also went on to stress about Central and South being flooded and why it was being flooded

regularly, annually now. And I took umbrage to that because I am a central MP and I want to say, today, everywhere in Trinidad and Tobago floods, everywhere it floods. Rain just has to fall for a couple of minutes, Port of Spain is under water. Sometimes there are major landslips and landslides on the Northern Range. Central floods, the east floods, the south floods, everywhere floods. So to really come here to the Chamber, the Member for Moruga/Tableland, the fellow he is, and to identify south and central again, trying to accuse us of not wanting to support the Bill, even though our constituencies flood out, I want to remind him that the entire country is under strain from flooding and the effects and the impacts of flooding, landslips and landslides.

And therefore, we have to move together to solve some of these national problems that afflict us daily. Flooding is one such, traffic is another one that we need to address. So the Member for Moruga/Tableland was being very disingenuous with his comments and like my other colleagues, we are always baffled when he gets up and stands up to speak. Sometimes we cannot understand what is being said on the other side, but we leave that down and put that down to a comprehension issue on the part for the Member for Moruga/Tableland.

Madam Speaker, I also want to say that with the advent of social media, what has come to fore in terms of over the past couple of years is people vent, issues are brought to the fore, very much so via social media, over the past couple of years there has been an increase in that. And you would usually see people venting or talking about or having a forum discussion on issues with their local government bodies that represent them in terms of the regional corporations or the borough. And one of the issues that I as a Member of Parliament also have been bombarded with is that of the role and function of the building inspector and the inspectorate at that local government level when it comes to approvals for lands

and buildings. And as it is at this point in time, and if it is that the Government was serious about local government reform, and I am sure they would have identified in their consultations that there is a serious problem with the process with respect to the building inspectorate and how land and buildings are approved going forward.

So the process as it stands, because this is about planning and trying to create this regulatory body of planners, urban and regional planners that would now make policy and guidelines for the country, we have to deal with some of the issues. Because when you are at the top and you have this council of urban and regional planners making policy, planning, spatial planning for the country, responsible for spatial planning for the country and all of that, what happens next? What happens next?

The local government bodies are in charge of now supervising and making sure that communities within the country adhere to proper rules and regulations and approve buildings and land that, of course, would see for holistic development of communities. So the process at the local government level is that, first of all the building inspector is not mandated to attend council meetings. He is not mandated, therefore issues that can come before council with respect to buildings approval, approval for buildings and land, he is not privy to that.

In addition to that, he attends statutory meetings and there is one building meeting that he attends during, well, probably monthly, once per month in council. So as it is you make an application for approval for your land and building, it goes to the building inspector and then it goes to the CMOH or public health where it has to be checked for proper drainage, proper roads and all accompanying infrastructure that would make for a proper community. After that is done a site visit takes place and if it is that you fail on that site visit, meaning that you have

not met the requirements, then it has to go back to the building inspector and you as an individual have to improve your land or your building so that it reaches that level of approval.

But, what is the catch here is that even though the council can approve plans, which they do in lieu of the building inspector not doing so, the CEO has to sign off on these approvals. And for me that is the catch there. I think that this process and this aspect of approvals for land and building needs to change. It needs to change to make the approvals at the local government level much more effective and then this results in constituents having applications for approvals for years lodged at the local government level, for years, because it is a back and forth sort of scenario.

I have heard stories where on the CEO's desk of a particular regional corporation and borough like my Member for Caroni Central spoke about, Tunapuna, where on the desk of the CEO it has been there for months and years and no approvals are being given. So, as a Member of Parliament I would like to see this aspect change and I would hope that that change would come from the top with respect to this Urban and Regional Planning Profession Bill, where these professionals would now be responsible for laying down the groundwork and the policy for development within our communities.

Now, Madam Speaker, the role of our urban and regional planners are to develop plans, programmes for the use of land. Their plans help create communities as I mentioned before, accommodate population growth and revitalize physical facilities in towns, cities, countries and metropolitan areas. The roles of the planner can vary somewhat, but the overall goal is to help develop cities into functional, thriving areas that can accommodate the population and offer a pleasant place to live and work. A strong knowledge of the regulation and codes

to make sure everything is legal is required. And it includes gathering and analyzing of data, looking at site plans from developers, figuring out changes that need to be made to proposals and going into the field to look at factors that affect development.

Now, Madam Speaker, in the Bill, clause 5 of the Bill, that deals with the composition of the council. And I want to suggest, again, going back to that local government level, that it mirrors that a council be set up which mirrors the urban and regional council that we are trying to set up here via this piece of legislation. So, I want to suggest that each corporation or borough has a member who has one vote but at every region there should also be a special council comprising either of locally elected officials, meaning the councillors, or lay citizens, provided that at least two-thirds of the voting membership are locally elected officials.

As I said before, councils already exist so probably those councils can be tweaked to accommodate for this council dealing with approvals for land and buildings. And it would prove to be very efficient because again as I say, as we create this council here, of urban and regional planners and the policy and the plans are laid out and it is rolled out to the various areas, then who is there to really enforce and monitor such development at the end of the day.

So that is why I am suggesting that we have a mirror council at the local government or a special council at the local government level which will include the building inspector, the councillors and other lay persons from within the communities who will be or may be affected by developments like this. So I am talking about stakeholders from sporting organizations, religious organizations and just normal lay persons, business organizations also. And I think that this would make, because—and I draw reference to the model that has been implemented in Florida. And this model seems to be very efficient and workable for the

constituents and residents across there. So I think that it is worth a try in terms of speeding up the process and the backlog of approvals that you have for buildings and land approvals at the local government level.

Now, I just want to also flag that, I know that the Government had an issue when the Member for Caroni Central spoke about the composition and the autonomy given to the Minister in terms of the composition of council, and I refer to clause 5, subclause (1), where four of the seven members of the council are nominated by the Minister in his discretion. Now, in my view this can well lead to a politically appointed majority within the council which may or may not have the effect of imposing onto a body corporate that governs professional and experts in the field and dangerous political influence and control.

Now, it is robustly suggested that the members of the council and the alternates be appointed by the Minister on the advice of or in consultation with an independent technocrat body or some other safeguard mechanism. And this is recommended in respect of clause 5(1), (3) and (4). Now, I just want to remind the House that in 2014, in the incarnation of the People's Partnership version of this Bill, Sen. Faris Al-Rawi made heavy weather and I quote, heavy weather of the fact that most of the council was:

“...appointed by the Minister—”

He is referring to the same as:

“...rather unusual”—for the Minister to have the—“...discretion to appoint three out of the five members of the council...”—two appointed by the TTSP Association.

And what is even more striking, Madam Speaker, is that in this present 2019 Bill, it is the then Senator, now Attorney General who has redrafted the Bill not only to enlarge the composition of the council from five members to seven

members, but to give the Minister more autonomous power to now appoint four of those members as opposed to the three previously in 2014 where he had a problem. So I just want to flag that for the Attorney General and probably he can give us some clarification with respect to his stance then and what has changed to make this even more so now in terms of giving the Minister more powers.

Madam Speaker, I also want to say, that all governments may have the perception or have that perception on the transparency index. And this is what Sen. Faris Al-Rawi said:

“...but we as legislators need to make sure that the proximity between Minister and functionaries is guarded, at least in the manner in”—meaning the council—“which it is composed, and as we say in Trinidad, ‘How it go look.’”

And I quote from the then Sen. Al-Rawi.

And I move on, Madam Speaker. Clause 5(1)(iii) states that:

“The Council shall comprise...

one person representing the public interest;”

—without any further qualification that that person be possessed of the relevant knowledge or experience in urban planning. The mischief here, as far as I am concerned, Madam Speaker, is that with a mainly ministerial appointed council, the one person representing the public interest can broadly be speaking to really anyone who fits that definition.

So having regard to the power and overall functions of the council, including revoking a person’s licence, this subclause ought to be qualified by some reference to the urban planning field. Clause 5(a). Now, in clause 5(a), because I really do not want to go down the road reading all of it in detail, but I would just give my recommendation or our recommendation across on this side. So for clause 5(a)

and save for clause 5(1)(b) given that this council is novel to Trinidad and Tobago, it is strongly suggested that the professions of members be further qualified by years in practice. And I know that in some of the clauses they have two years, three years, but years in practice should be something that is identifiable within the particular clause. For example, and I will give an example, because the Member for Diego Martin North/East does not seem to understand. For example, under the Planning and Facilitation of Development (Amdt.) Act, 2019, section 13(2) provides that the National Planning Authority be comprised of a Director of Planning—[*Crosstalk*]

Madam Speaker: Member for Diego Martin North/East, I think we all recognize that you are not in the debate. I hope you recognize that too because I am hearing you. Member for Couva North, please continue.

Ms. R. Ramdial: Thank you, Madam Speaker. So I am just trying to clarify for him because he seemed to not understand that this Planning and Facilitation of Development (Amdt.) Act, 2019, section 13(2) provides that the National Planning Authority be comprised of a Director of Planning with the relevant degree and at least seven years in practice. The Chief Building Officer must have qualifications and at least seven years in civil engineering, and the Chief Enforcement Officer and the attorney-at-law must have experience and at least seven years in practice.

5.20 p.m.

So this is what we make reference to here. Clause 5(4)—and I ask the question which the Attorney General can feel free to clarify in his winding up: Why is there a need to appoint alternates on this council? Why? And I would like to hear that reason why. Clause 8, “Vacancy of office”. Now the existing clause says:

“The Minister may...remove the member from office if the member is—”

And it goes on to say—and then there is a—now we looked at the Public Procurement and Disposal of Property Act, section 12 where the President is given that power to remove a member from office upon being not satisfied that the member is—and it goes on like that. So probably we can also look to mirror what is taking place in that procurement legislation and put it here towards this Urban and Regional Planning Profession Bill.

I move on. Clause 8(3)(a), you have that clause:

“unable to function because of physical or mental”—disability.

And then in the Public Procurement and Disposal of Property Act you have section 12(b):

“is incapable of performing the duties of a member;”

And we are suggesting that it should be deleted and replaced by:

unable to function because of a physical, mental or other disability or but for such disability is neglectful of his duties as a member.

Section 8(3)(b)—

Mr. Deyalsingh: Member for Couva North, just for correction.

Ms. R. Ramdial: Sure.

Mr. Deyalsingh: The clause you mentioned does not say “disability”. It says “illness”. So it does not say “physical disability”. It says “physical illness”. There is a—

Ms. R. Ramdial: It says: “physical or mental disability”.

Mr. Deyalsingh: No. In what we are dealing with here, you said:

“The Minister may, by letter addressed...remove a member if he is—

(a) unable to function because of physical or mental”—disability.

It is “illness”. There is a big difference between an illness and a disability. Thank you.

Ms. R. Ramdial: Thank you. All right. Well, thank you for that correction and I move on. Clause 8(3)(b):

“absent from three consecutive meetings of the Council;”

That is the Urban and Regional Planning Profession Bill. For the Public Procurement and Disposal of Property Act, section 12(d):

“has been absent, without the leave of the Board, from three consecutive meetings of the Board;”

The words “without leave” of the council, Madam Speaker, should be inserted after the word “absent” to now read:

absent without the leave of the Board from three consecutive meetings of the council.

And to us, this insertion allows for a more equitable approach to a member’s removal of the council.

Clause 8(3)(c):

“convicted, in any court, of a criminal offence under this Act or which carries a penalty of imprisonment for a term of six months or more;”

In the Public Procurement and Disposal of Property Act, section 12(g):

“has been convicted of an offence punishable by imprisonment for one year or more or an offence under this Act.”

Madam Speaker, we are suggesting that this be changed by stating:

convicted of an offence punishable by imprisonment for six months or more, or of an offence under this Act.

By this amendment, conviction for any offence under the Act warrants removal from office.

Another clause that we want to suggest some changes to is that of clause 15(3)(a) where we want to suggest—and I will read the entire clause.

Subparagraphs (3) and (4) make provision for two scenarios respectively. First, when an applicant has a BSc, and second where the applicant has an MSc. This subclause should be amended by removing the “and” after the word “degree” in (3) and replacing the same with “or”. It cannot therefore be that the intention was for these two subparagraphs to be read conjunctively.

Clause 15(3)(c): Another suggestion that the Opposition is putting forward to the House is that of clause 15(3)(c). You see, Madam Speaker, if the Member for Diego Martin North/East would sit and listen, probably he would learn something, you know? [*Desk thumping*] But this kind of arrogant nature, I do not understand.

So clause 15(3)(c), it is respectfully submitted that a police clearance should be a requirement for any licence and that clause, 15(c), should be amended accordingly. Clause 19(4), should this not also apply across the board to professional and provisional licences? And that is just a question I am asking for the Attorney General to clarify as best as he can.

Now, clause 20(1) states that:

“A licence shall be in the form set out in the Fifth Schedule.”

Forms 1, 2, 3 of the Fifth Schedule deal with a professional licence, provisional licence and temporary licence respectively. In each of the forms, the fact is that the licence holder is duly registered and is referable in the past tense, not the present tense as it ought to be.

“THIS CERTIFIES THAT.....was duly registered to practice” should be amended to read: “is duly registered”.

Clause 22, we need clarification on clause 22, if only for the *Hansard* record, Madam Speaker, on what exactly constitutes “reasonable remuneration” and what guidelines will be used to determine such reasonable remuneration.

Clause 25(2), we are suggesting that some reasonable time limit should be inserted for clause 25(2). Clause 34 states that:

“The Council shall appoint a Recognition Committee and a Disciplinary Committee.”

Each committee comprises five members. There is no mention in the Bill of remuneration for members, which must be addressed. So the Attorney General will need to tell us whether or not these five members will also be remunerated. There is no fund established under this Bill which is in contrast to the Consolidated Fund for the Law Association, which was established by section 54 of the Legal Professions Act, or the Medical Board established by section 35 of the Medical Board Act. So this matter requires further attention, whether or not you want to actually have it in the legislation for remuneration.

Clause 36(3) states that:

“The members of the Recognition Committee shall hold office for a term not exceeding three years.”

In light of the fact, such members, at least three of the five, are planners, and in light of the further fact that the planning community pool into Trinidad and Tobago is a very small one, would it not be practical to indicate in clause 36(3) an eligibility for a reappointment subclause? It is also to be noted that no term is stipulated for members of the disciplinary committee, although it appears one was contemplated by clause 47 of the Bill. It cannot be that the term of office for members of the disciplinary committee was intended to not end.

Clause 53(2)(b) speaks to the revocation of a licence or removal of the persons' names from the register. So clause 53(3)(b) should be amended by deleting the “or” after “licence” and replacing same with the word “and”, such that it shall now read:

“revoke the licence and remove the name of the Urban and Regional Planner from the Register.” [*Crosstalk*]

And these are the Opposition’s amendments, Madam Speaker.

Madam Speaker: Members, the crosstalk is becoming unbearable, and while I understand banter and crosstalk, I do not want us to fall into the same difficulty in the last debate where a Member thought that the crosstalk was not banter and that it prevented his own contribution. So I will ask both sides to maintain their silence, please. Member for Couva North.

Ms. R. Ramdial: Thank you, Madam Speaker. I would not be too long again. Clause 60, with respect to the regulations, now given the observations above as to the ministerial discretion, it should not be taken for granted that subclause (2) of this clause intends the Minister’s consultation with the council. Subclause (2) should therefore be amended by inserting after the word “Minister” the words “after consultation with the council”. And that would be consistent with subclause (1). So that subclause (2) will now read:

“Without limiting the generality of the foregoing, the Minister may”—after consultation with the Council—“make Regulations for”—

And it would be continued. I move on to clause 61 of the Bill. Now notably, Madam Speaker, in our estimation as the Opposition, we see this as not empowering the Minister “after consultation with the Council may by Order amend”—the Sixth Schedule; that is the Code of Ethics. The Minister is asked to clarify how the code of ethics may be amended should that need arise. And section 35 of the Legal Profession Act states that:

The Code of Ethics may be amended by the Council of Law Association with the approval of the Chief Justice.

So, Madam Speaker, these are some of the amendments that we, as an Opposition,

have put forward to this Bill. In addition to that, there are some comments that I would also like to make that we observed as an Opposition, and it is that by regulating the planning professions, the small number of planning professionals in Trinidad and Tobago will be incentivized to an increased membership given the infrastructural development route to which the country aspires. This increased number of planning professionals would inevitably assist the management, modernization and regularization of urban planning.

So, Madam Speaker, these are some of our amendments and comments that we have put on record and on the *Hansard* and, hopefully, the Attorney General would be kind enough to consider what we have put forward. Now, Madam Speaker, again, I want to reiterate that, again, as we come with this Urban and Regional Planning Professional Bill, that whilst the intentions are all good, again, I want to stress and summarize in my conclusion that we do not agree with the erosion of the three-fifths majority, as my colleagues previously stated. And in addition to that, from the then Sen. Al-Rawi's statement with respect to the power of the Minister being given with respect to the composition of the council, I would really love to hear his clarification for now, in this version of the Government's Bill, as to why he has given the Minister more autonomy over the composition of the council. With that, Madam Speaker, I thank you. [*Desk thumping*]

The Attorney General (Hon. Faris Al-Rawi): [*Desk thumping*] Madam Speaker, I am very pleased to have heard the contributions from the hon. Members of this House and I propose to address the germane issues that have arisen thus far. Madam Speaker, I thank the Member for Moruga/Tableland for putting this Bill in very sharp focus. The hon. Member said, specifically, that this is a long Bill for a short issue. This Bill before us today deals squarely with "An Act to establish a Council for Urban and Regional Planners and to provide for the regulation of the

urban and regional planning profession and other matters incidental thereto.”

In the structuring of the Bill across the eight parts, the 61 clauses, it really is quite simple. We are firstly establishing the council; we are causing a system of licensing of urban planners and regional planners; we are registering for urban and regional planners; we are organizing committees, two committees in particular; we are managing the methodology for disciplinary proceedings; we are dealing with offences and penalties and then miscellaneous provisions.

I listened across the other two meetings that I was having at the same time, to the Member for Couva North and I am not quite sure that she came on the same Bill that we did. The references made by the hon. Member to clauses are not clauses in this Bill. The numerical references find no place in the Bill that is laid before this House. Similarly, her reference to the Schedules as well. Perhaps it is that the hon. Member is busy in this election season and had someone write something for her, which was drafted on something else that is not before this House. But I would take that as just classic UNC preparation and nothing more.

Madam Speaker, when we deal with the structure now, this law before us, there was a most astounding contribution coming from the Member for Caroni Central and then there was quite a sensible, at first blush, contribution coming from the Member for Tabaquite. Now I confess to having great regard to the contributions coming from the Member for Tabaquite. In his submissions he has often taken the role as an elder statesman in providing his reflections, so I mean this with the greatest of respect as I address my colleague, the Member for Tabaquite.

Madam Speaker, the Member recommended that we enter into a definition of urban planners. But, Madam Speaker, I took the Member at face value and then I pulled up the following laws: The Legal Profession Act, Chap. 90:03, Act No. 21

of 1986; the Dental Profession Act, Chap. 29:54, Act No. 16 of 1980; the Engineering Profession Act, Chap 90:01, Act No. 34 of 1985; the Architecture Profession Act, Chap. 90:02, Act No. 19 of 1992; the Land Surveyors Act, Chap. 58:04, Act No. 33 of 1996. And, Madam Speaker, every single one of those Acts which regulate via the creation of councils for those bodies—the Dental Council, the medical council, the Law Association—not a single one of those bodies treat with the definition of the profession. There is no definition of what a lawyer does; there is no definition of what an engineer does; a doctor does; a dentist does. None of them enter into that realm because the practice of law, the practice of medicine, the practice of dentistry, these things evolve. They are not static. Sub-specialities arise on a constant basis. What we have, Madam Speaker, is parent law, Act No. 10 of 2014, a springboard in that parent law which is Part VII, beginning at section 73, which says that there will be a regulation environment for all regulated professionals: land surveyors; engineers, architects, and very importantly, in this law they specifically talk to an urban and regional planner registered under the Urban and Regional Planning Profession Act.

So, I respectfully submit to my learned friend from Tabaquite that there is no need to condescend into the particulars. I believe that my friend can also be comforted by the fact that we speak to what the qualification requirement for the licensing looks like. In speaking to temporary licences, temporary licences are granted to foreigners, put quite simply. Non-Caricom, non-residents, non-citizens fall into the category of temporary licensing, i.e. foreigners can be temporary licensed. Provisional licensing and then standard full licensing are where we treat with Caricom residents and professionals in Trinidad and Tobago. It is there that we specifically speak to, and it is to be found in the licensing regime sections. We speak to the qualifications that people must have in urban and regional planning. It

recognizes off the bat that you may have a BSc qualification in planning as well as a Master's qualification. If you have a Master's qualification, they require two years' experience to be fully licensed; if you have a BSc, three years' experience. And that is as simple as it gets.

I think that that is well in keeping with the legal profession arrangements, the dental, et cetera, because we say MBBS for doctors, DDS for Dentists, BSc, of course in certain subsets if we are dealing with pharmacy, and when we are dealing with lawyers we are talking about a Bachelor of Laws and LLB. So we are well in keeping with the architecture as to how we do these things.

Madam Speaker, the concept of ministerial control, first of all I will go through it chronologically now. The Member for Caroni Central, I understand, is fairly passionate about this area. As the Minister with responsibility for planning under the UNC government, he presided as chairman over the Joint Select Committee and piloted legislation in the Senate and in the House to birth the Planning and Facilitation Development Act. It was in that Act that we created Part VII, beginning at section 73 that dealt with the regulation of listed professionals. The hon. Member says, first of all, that he takes exception to the three-fifths majority, and then he makes a broad-brush castigation against me, in particular, saying that I somehow—and I am paraphrasing as I understood it—that I supposedly have a penchant for removing three-fifths majority law.

Madam Speaker, he then gave an example in respect of that. And I wish to just categorically say that a three-fifths majority support is constitutionally required only if it is advisable that it must happen. I hold the position of Attorney General of the Republic of Trinidad and Tobago. At present, being a person in a revolving door, you yourself, without bringing you into the debate, have held that position, Madam Speaker. The point is, the Attorney General advises the

Government on law and the law is pellucidly clear that a three-fifths majority is not required. And that is why I spent a significant amount of time anticipating my colleagues' submissions when I indicated that we would be removing the three-fifths majority support by setting out the dicta and the cases in the European Court of Human Rights, Canada, the United States, Barbados and Trinidad and Tobago.

So like it or not, the hon. Member cannot compel an Attorney General who has a considered view, that the law does not require a three-fifths majority support. I have shared with the world and it is now on *Hansard*, the reasons that I have advanced for that purpose and I am entirely comfortable in the law that that is the case. I even gave the precedent for my decision. Of all of the professional bodies listed, the only one that was passed with a three-fifths majority support was the Legal Profession Act in 1986, and that was then when the climate in the courts suggested that there was a need for three-fifths majority for the issue of mandatory association, mandatory membership. The case law is now absolutely clear for decades, since 1986, that you do not need that, and therefore, Madam Speaker, that is why I have done that.

The Member made a very bold assertion, saying that the Society of Planners, which is an Act in 1974 which established a very general piece of law—that the Society of Planners said that they took exception, and he made the submission that the Attorney General would be breaching an undertaking to bring a three-fifths majority support. I have had the benefit of having direct confirmation sent to me this afternoon, that the Trinidad and Tobago Society of Planners said no such thing. What they said was, they want mandatory membership so that they can exercise, as a public body, a public purpose for the public interest and the public good. They never said that they were wedded to having a three-fifths majority

support. They never said that.

Mr. Imbert: They make up stories.

Hon. F. Al-Rawi: And to just stand there with aplomb, with a sober tone to stand up and say in the manner that the hon. Member presented it, I think really reeks of a purpose that I really do not want to attribute to my learned colleague. He ought to know better, Madam Speaker.

Madam Speaker, we then saw the position of the right to property. There was a song and dance submission. The hon. Member for Caroni Central said he is concerned about the right to work. And then I said to the hon. Member—in crosstalk I confess—“But is not the right to work ultimately the right to property?” And then he stood with some chagrin and said, “Well, I did not interrupt you”, and then proceeded to interrupt Dr. Francis, the Member for Moruga/Tableland, nonstop in his contribution. So I am warning the hon. Member that I take no advice from him on interruptions henceforth, because he does not practice what he preaches so boldly here this afternoon.

And let me say this. The right to work, carrying itself forward to the right to property, that is ultimately what it is. What are you working for? There is no right to work. There is a right to property in section 4 of the Constitution. And, therefore, for the hon. Member to try and shrug it off as, you know, “I am talking about a right to work”, I mean, come on. The hon. Member has served in multiple capacities and I would like him to just simply admit to the truth of the fact that he was really referring to the right to property.

And, Madam Speaker, as to whether this law trips the right to property, the right to property is an enshrined right in section 4 of the Constitution. The right to property is not an absolute right. The right to property has been obviously the subject of derogation. It has been anchored since 1964 in the West Indian Law

Reports. The case is *Inland Revenue Commissioner v Lilleyman*, 1964, West Indian Law Reports at 496. You are entitled to take away somebody's property, quite properly, even though it is enshrined, if it is for taxation. We do that every single year in respect of taxation. You would never guess that the Member for Caroni Central has been in the Parliament since 1986, because it means that there was no attention to the right to work/the right to property from 1986 onward, every single year when we affect people's rights to property i.e. their money. Money is defined as property in the Lilleyman case, Madam Speaker. So, come on, Member for Caroni Central, with the greatest of respect. Those arguments are just infantile, Madam Speaker.

And hear the hon. Member: "Those are three-fifths". Which Finance Bill in this country passed with a three-fifths? Name one. I will sit. [*Member sits*]

Dr. Francis: You will sit till tomorrow.

Dr. Tewarie: You talk.

Mr. Deyalsingh: Ah. Ah. He "cyar" name none. [*Desk thumping*]

Hon. F. Al-Rawi: The hon. Member "cyar" name one single finance Act that was passed with a three-fifths majority. You know why? It just cannot be the case. It is hogwash. It is intellectual absurdity to make the submission that my learned friend just did—intellectual absurdity, Madam Speaker. [*Desk thumping*]

Madam Speaker: Order. Order.

Hon. F. Al-Rawi: So, Madam Speaker, as to whether the right to property is infringed, number one, *Trinidad Island-Wide Cane Farmers' Association v Prakash Seereeram*, in that particular case, 1975, 27 West Indian Law Reports at 329, again the issue of compulsory SES was considered. The court clearly acknowledged that you can infringe upon the right to property. You can infringe upon somebody's money; money which they earned by work, Madam Speaker, if it

is for a public institution, a public purpose, for the public benefit. That is why I took care to say it so many times when I piloted the Bill, Madam Speaker. That was upheld in *Attorney General v Antigua Times*. That is to be found 1976 Appeal Cases at 16, a judgment of the Privy Council. That is to be upheld in the case of *Keller v the State Bar of California*. That is to be found at 496 US 1 at page 12.

So I have taken American jurisdiction, Privy Council dicta and Trinidad and Tobago Court of Appeal authority to rubbish the argument presented by my learned colleague for Caroni Central. Madam Speaker, in any event, if we are talking about the fact that people cannot work because they cannot get a licence, because they are not a member of the urban and regional planners authority, the law is equally clear on that. It is clear in the context of the Legal Profession Act, the Dental Profession Act, the Medical Profession Act, the Land Surveyors Act. You cannot practice as a professional under those four pieces of law—add the Architecture Act—unless you are licensed by that body.

And when the Member for Tabaquite says that he will not be part of a Parliament that passes law like that, I will remind the Member for Tabaquite that with the benefit of Internet facilities in this Parliament, I googled him. I went to his *Wikipedia* profile. I went to his parliamentary profile. I looked at his tenure in the Parliament, 1987 onward, and I found evidence of the hon. Member, my dear friend, the Member for Tabaquite, having sat in Parliaments that amended the very laws that I have just referred to, the regulatory bodies, many times and, therefore, the hon. Member, I think, has just had a small lapse in memory, perhaps in his haste to leave the UNC, much like the Member for Barataria/San Juan, having been filled with their—how should I say it—tiredness for the UNC. Perhaps my learned colleague forgot about those sessions in Parliament where he contributed to the very thing that he says he cannot do today. But I do not hold that against the

Member for Tabaquite. I take the benefit of some of his submissions later on as he focused upon corruption and mismanagement, et cetera.

5.50 p.m.

There was a point made by Caroni Central. Caroni Central was telling us, Madam Speaker, that effectively we are going to put people out of business because they are going to have a liability on them. It provoked Diego Martin North/East, the Minister of Finance, to ask him certain questions for which he was restrained a little bit by the Chair. But the point is, Madam Speaker, this law, much like the architects' governing provision, law surveyors, engineers, et cetera, this law proposed that you will have to have a liability visited upon you, and therefore, this law is no different from the many laws put into effect. But what got me, Madam Speaker, what really got me in the boldface submission coming from Caroni Central, "Oh, you going to put people out. This professional indemnity aspect that then came up afterwards."

Madam Speaker, Act No. 10 of 2014, assented to 1st of October, 2014, guess who the Minister was with responsibility for piloting that law and asking for the assent? Caroni Central, then Sen. Dr. Bhoendradatt Tewarie, the Minister with responsibility. Hear this. Part VII listing of professionals; passed by the hon. Member; governing body: architects, engineers, land surveyors, urban and regional planners so defined in section 73. Section 74, it must be by a registered professional.

"Section 75:

A professional governing body shall establish, in relation to the profession it regulates, minimum levels of professional competence required for...preparation...such categories"—et cetera.

"Section 76:

The National Planning Authority may, after”—consultation—
“with...professional organisation...fix the minimum amount of any
performance bond or other financial guarantee required to be provided in
respect of professional certification of approval”—and—“submissions...

77:

- (1) “...applicant”—must satisfy—“minimum levels of professional
competence...
- (2) A professional...body shall...
 - (a)” issue—“certificate of competence...”

And then it goes on, Madam Speaker, to actually say that the register must be maintained, and that a listed professional in section 82, who fails to comply with a prescribed mandatory requirement, or honour his obligations, any other cause exist, the National Planning Authority considers appropriate to terminate the approval of submissions, et cetera. The professional governing body shall show cause by the name should not be removed, et cetera.

I am basically reading out the sections now, that say that the fixing of liability for the urban and professional planners, which the hon. Member had so much hatred for, and contempt for, and concern for, it is anchored in the very Bill that he passed in Act No. 10 of 2014. But it shows that the hon. Member did not even bother to read the law from which this Act proclaims its origin, and it is hard to take the hon. Member seriously when he is saying this law is contentious for a reason which exists in a law that the hon. Member passed and piloted as the Minister with responsibility. I mean, come on, Madam Speaker.

Dr. Tewarie: Would the hon. Member give way?

Hon. F. Al-Rawi: Sure.

Dr. Tewarie: Madam Speaker, the hon. Member spent his time chastising me for

something I did not say. The only thing I said in relation to that clause which he mentioned about indemnity, I asked the question, how are the liabilities incurred by the people who are affected by a decision of someone who is covered by indemnity going to be allocated. Another Member of this House did speak to the issues that he is speaking, but it is not me. He is making an error.

Hon. F. Al-Rawi: I thank the hon. Member for his explanation. My notes say otherwise.

Dr. Tewarie: Your notes are wrong.

Hon. F. Al-Rawi: Tabaquite made some contributions, Couva North was contributing on some other piece of law we are not quite sure—*[Interruption]*

Ms. Ramdial: That is the same law.

Madam Speaker: All right. You know, in the local parlance we say, “do so doh like so.” Okay? So I have allowed—you have corrected from your perspective. The hon. Member on the other side does not accept, but it is still on the *Hansard*. And just as on the last occasion I think you, hon. Member, took exception to being interrupted, I think we should afford the Attorney General the same courtesy.

Dr. Tewarie: Agreed, Madam Speaker.

Madam Speaker: Member for San Fernando West.

Hon. F. Al-Rawi: Thank you, Madam Speaker. I am grateful for your protection. I do not mind the crosstalk at all. I know you are keeping order, otherwise I take no offense from the hon. Member. I give way when asked to give way. I will just put that on the record. So the Member has put his position there.

The hon. Member for Caroni Central went a little bit further. Hear this one. They, meaning the PNM Government, this Government, they want to control who could get what. He says that there will be a rebellion against this oligarchy. That is what the hon. Member had to say. The hon. Member again comes with the

concept—he has a good smile on his face right now. The hon. Member says there will be a rebellion against this oligarchy because they want to do what they want, because they will say who could get planning permission, how they will get planning permission, and who would not get.

Madam Speaker, is this the same hon. Member who was the subject of judicial review proceedings to compel him to give, in open form, the advice in the JCC matter where they were giving away in breach of the Central Tenders Board Act the Invaders Bay property? This could not be the same hon. Member. This could not be the same Member, who as Minister of Planning, approved SIS' insane project to build a wastewater treatment plant in central Trinidad? This could not be the same hon. Member who witnessed the contractor, SIS, run away from Trinidad and Tobago to Panama, the only country close by that has no extradition treaty with Trinidad and Tobago? This cannot be the same Member who watched his Prime Minister bring law to affect the rights of the citizens? Because this hon. Member said that that Government was interested, the UNC government was interested, in land and tenure, and benefit for people of Trinidad and Tobago.

That Member, Minister for Planning, as he sat, allowed two pieces of law to be laid under the UNC, squatter regularization, and then security of land tenure Bills, both of which were caused to lapsed after I spoke. Because after I spoke in those debates and I demonstrated that the Bill that they brought to declare squatting in areas capable of being recipients of certificates of comfort, that Bill did not have the planning order it was supposed to have under section 10 of the planning laws that still prevail in this country, and that Minister of Planning, as he then was, sat down and described squatting areas as follows: Mon Repos, San Fernando, Manahambre. I mean come on, we are supposed to listen to the hon. Member for Caroni Central today—really?—incapable as a Minister of Planning of defining

what Manahambre is, what Mon Repos is? Lower Hillside, I will never forget that, Lower Hillside. The whole of Lower Hillside was a squatting area. Where it starts, where it ends, Madam Speaker—[*Interruption*]

Mr. Imbert: “No, doh give way to him. Doh give way.”

Hon. F. Al-Rawi: Hon Member, short on time.

Dr. Tewarie: I did not bring—[*Interruption*]

Hon. F. Al-Rawi: The hon. Member did not bring the Bill. The hon—
[*Interruption*]

Madam Speaker: If again—okay? And the only reason why I am being so particular is that I say I always understand banter particularly between the Front Bench on the left side, and the Front Bench on the right side, but seeing that some people take umbrage to it I would really ask that we do as we like.

Hon. F. Al-Rawi: Thank you. The hon. Member did not bring the Bills. He takes full authorship and ownership of the JCC decision for hiding the legal advice because the Court of Appeal said so, albeit that he was led along the wrong path surely by Anand Ramlogan, the Attorney General, who told him not to disclose the breaches of the law. By the way, the same thing happened in the Central Tenders Board breaches for the jails and courthouses they were supposed to build, but anyway it was in fact the Member for Oropouche East who laid the other two Bills. But my point is, Bills do not arrive here without Cabinet approval, and those Bills to treat with boundaries, and development issues, and Orders to be issued under the Town and Country legislation, it is that Minister then, the Minister of Planning, the Member for Caroni Central as a Senator then, who had responsibility for that. So you cannot disassociate yourself and cleave yourself out of the wrong decisions that the entire Cabinet took part in. If it was so good they would have finished the law, but they did not. They had to abandon the law.

Madam Speaker, we looked to constitutionality in the round by saying there is a legitimate aim, it is rationally connected to the purpose, it goes no further in intruding upon existing rights than we ought to if you were to accept there is an intrusion at all. In fact, Baroness Hale was very careful in paragraph 58 of the *Suratt* judgment to set out, apart from saying that not every 4 and 5 right of the Constitution must be considered in a section 13 context. The hon. Baroness Hale said specifically it is all the much more so the case that you do not need three-fifths majority when you are dealing with what is the status quo, you are going no further than existing parameters allow. And therefore, I need only say architects' legislation, engineers' legislation, dentist legislation, land surveying legislation, all of these—medical regulatory body, all of them are passed with simple majority, post-1976, and therefore, we are not going any further than we must.

I do not think there was anything to respond to in Couva North's contribution—*[Interruption]*

Ms. Ramdial: Of course not.

Hon. F. Al-Rawi:—and therefore, I beg to move. *[Desk thumping]*

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in Committee.

Clause 1 ordered to stand part of the Bill.

Clause 2.

Question proposed: That clause 2 stand part of the Bill.

Delete and substitute the following clause:

Commencement 2. This Act comes into operation on such date as the

President may, by Proclamation, appoint.

Mr. Al-Rawi: Madam Chairman, the Government proposes that we delete the clause 2 as set out in the Bill which was where we would be asking for a special majority, and that instead we insert clause 2 which is for the Act to come into effect by way of proclamation. It is therefore in terms as set out in the draft circulated and that is the rationale for it. We have already laid the ground as to why this Bill does not require a three-fifths majority in the debate and I adopt those submissions.

Madam Chairman: Chief Whip.

Mr. Lee: Just for some clarity, Madam Chair. Clause 2 is where you are removing the three-fifths, correct?

Mr. Al-Rawi: Yes.

Mr. Lee: Are you also now changing—the preamble has to change?

Mr. Al-Rawi: That will automatically fall by the wayside. So there is no need to move for that to be amended. It will just fall away.

Mr. Lee: I am just asking a question.

Madam Chairman: Member for Caroni Central you have a question, or a contribution?

Dr. Tewarie: I am looking at the amendment without the page of the Bill, but is the deletion, the solution to the AG's problem? Is that how you are doing it?

Mr. Al-Rawi: Yes.

Dr. Tewarie: You are simply deleting the clause?

Mr. Al-Rawi: Delete and replace with a commencement clause instead. So that way we do not have to do numerical replacement or cross reference changes.

Dr. Tewarie: Okay. Well, I would just like to indicate that we object to the

change.

Mr. Al-Rawi: Noted.

Madam Chairman: The question is that clause 2 be amended as circulated.

Question put.

Madam Chairman: I will re-propose the question. The question is that clause 2 be amended as circulated.

Question agreed to.

Clause 2, as amended, ordered to stand part of the Bill.

Madam Chairman: Can we go from 3 to 59?

Hon. Members: Yes.

Clauses 3 to 59 ordered to stand part of the Bill.

Clause 60.

Question proposed: That clause 60 stand part of the Bill.

Insert after subclause (2), the following subclause:

- (3) Regulations made under this section may prescribe that a contravention thereof shall constitute an offence punishable on summary conviction by a fine not exceeding fifteen thousand dollars and a term of imprisonment not exceeding two years.

Mr. Al-Rawi: Madam Chair, we propose the insertion of a subclause (3), as circulated. This is specifically so that we can derogate from section 63 of the Interpretation Act, and if we had not included this we would be confining ourselves to a breach of the regulation standing at TT \$500. We are proposing instead that regulations under the section can prescribe that a contradiction can be punishable by an offence triable on summary conviction by a fine not exceeding \$15,000 and a term of imprisonment not exceeding two years. Thank you.

Question put and agreed to.

Clause 60, as amended, ordered to stand part of the Bill.

Mr. Al-Rawi: Madam Speaker, there is a 61?

Clause 61 ordered to stand part of the Bill.

First to Eighth Schedules ordered to stand part of the Bill.

Madam Chairman: So, hon. Members, as a result of the deletion of clause 2 in its original form, the question is that the preamble be deleted.

Question put and agreed to.

Preamble deleted.

Madam Chairman: Hon. Members, having regard to the deletion of the preamble, the consequential changes will be made to the certificate.

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

House resumed.

Madam Speaker: Attorney General.

Hon. Al-Rawi: Madam Speaker, I wish to report that the Urban and Regional Planning Profession Bill, 2019, was considered in committee of the whole and approved with amendments. I now beg to move that the House agree with the report from the committee.

Question put and agreed to.

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

ADJOURNMENT

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam Speaker. Madam Speaker, I beg to move that this House do now adjourn to next Friday, the 22nd day of November, 2019, at 1.30 p.m. Madam Speaker, next Friday being the fourth of the month it is Private Members' Day and if my colleague could alert me as to what we will be doing then.

Adjournment

2019.11.15

Mr. Lee: Thank you, Madam Speaker. We will be doing Motion No. 1 on Private Members' Day. It is on the Order Paper.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 6.14 p.m.