

*Leave of Absence**Friday, December 10, 1999***HOUSE OF REPRESENTATIVES***Friday, December 10, 1999*

The House met at 1.30 p.m.

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

**Mr. Speaker:** Hon. Members, I wish to advise that I have received communication from three Members of this honourable House who have asked to be excused from today's sitting. They are the Member for Port of Spain North/St. Ann's West who has asked to be excused up to December 10, 1999; the Member for St. Ann's East who has also asked to be excused up to December 10, 1999 and the Member for Laventille East/Morvant. The leave of absence which they seek is granted.

**FELICITATIONS**

**Mr. Speaker:** I also wish to advise hon. Members that I have received communication from the His Excellency, the President of the Republic of Trinidad and Tobago which reads as follows:

“December 8, 1999

The Honourable Hector McClean MP  
 Speaker  
 House of Representatives  
 Parliament, Red House  
 St. Vincent Street  
 Port of Spain.

My dear Mr. Speaker,

On behalf of my wife and myself, I wish you, the other Honourable Members of the House of Representatives and your respective families, good health in Peace and Happiness during the Christmas holidays and throughout the New Year.

Yours sincerely,

Arthur N. R. Robinson TC.,OCC.,SC., Hon. Fellow of St. John's College, Oxford.”

I am sure that later in the proceedings hon. Members would care to reciprocate.

*Sexual Offences (Amdt.) (No. 2) Bill*

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**SEXUAL OFFENCES (AMDT.) (NO. 2) BILL**

Bill to amend the Sexual Offences Act, 1986 brought from the Senate [*The Attorney General and Minister of Legal Affairs*]; read the first time.

**MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT) (NO. 2) BILL**

Bill to consolidate and revise the law and to make new provisions to facilitate the enforcement of maintenance orders abroad, brought from the Senate [*The Attorney General and Minister of Legal Affairs*]; read the first time.

**NATIONAL MUSEUM AND ART GALLERY BILL**

Bill for the purpose of establishing the National Museum and Art Gallery and for matters incidental thereto, brought from the Senate [*The Minister of Culture and Gender Affairs*]; read the first time.

**DEOXYRIBONUCLEIC ACID (DNA) IDENTIFICATION (NO. 2) BILL**

Bill to provide for DNA forensic analysis, to include a DNA report as evidence, to provide for the use of DNA testing to determine parentage, and other related matters, brought from the Senate [*The Minister of Health*]; read the first time.

**PAPERS LAID**

1. Annual Report of the National Insurance Board for the period July 01, 1998 to June 30, 1999. [*The Attorney General and Minister of Legal Affairs (Hon. Ramesh L. Maharaj)*]  
*To be referred to the Public Accounts Committee.*
2. Report of the Cabinet-appointed committee on the unification of the Teaching Service and delinking from the Public Service. [*The Minister of Education (Hon. Kamla Persad-Bissessar)*]

**ORAL ANSWERS TO QUESTIONS**

**The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, the Government is not able to answer questions Nos. 5, 6, and 8 today. I respectfully ask that answers to these three questions be deferred to the next sitting of the House.

**Mr. Kenneth Valley (Diego Martin Central):** Mr. Speaker, looking at question No. 5 it seems so straightforward but, obviously, we cannot object if the Government is not ready.

The Member for St. Ann's East is away from the Parliament today and I ask that his question No. 4 be deferred, since I am aware that he wants to take this himself.

*The following questions stood on the Order Paper:*

**Stadia Contracts  
(Award to FIFA)**

4. (a) Would the Minister of Social and Community Development and Minister of Sport and Youth Affairs advise the House whether Cabinet awarded to FIFA a contract to project manage the construction of four (4) new stadiums for the 2001 FIFA World Cup Youth Football Championship?
- (b) Would the Minister indicate whether such an award is in keeping with the Central Tenders Board Act and whether FIFA has engaged the firm PW Partnership to undertake the construction management of the project?
- (c) Would the Minister also indicate the criteria to be used by FIFA and PW Partnership to hire contractors to undertake the construction of the four stadiums? *[Mr. Martin Joseph]*

**Winsure Insurance Portfolio  
(Report on)**

5. (a) Will the Minister of Finance inform this House whether the Supervisor of Insurance has caused an independent actuary to do a report on the scheme of transfer of the Winsure Insurance portfolio to Maritime Life, in accordance with section 86(1)(f) of the Insurance Act?
- (b) If the answer is in the affirmative, will he state whether the independent actuary has determined the shortfall in the statutory fund as at December 31, 1995 taking into consideration the provisions of the scheme of transfer sanctioned by the court?
- (c) Will the Minister also inform the House of the specific issues on which the independent actuary was requested to advise?
- (d) Will the Minister lay a copy of the independent actuary's report in Parliament? *[Mr. Kenneth Valley]*

**National Petroleum Co. Ltd.**  
**(Gas Station Upgrade Programme)**

6. (a) With respect to the gas station upgrade programme of the National Petroleum Co. Ltd. (NP), could the Minister of Energy and Energy Industries state whether any of the stations were completed within the allotted time frame of the original contract?
- (b) If there were time overruns on any of the projects, could the Minister identify each project so affected and state the contracted completion date as well as the actual date of completion?
- (c) For each project on which there was a time overrun, could the Minister state the nature of the penalty liquidated damages clause to which the contractor is exposed as per the terms of the contract and say how much money NP is entitled to receive?
- (d) Could the Minister state whether NP has collected any/all of the money to which it is entitled from contractors under the penalty liquidated damages clause of the contract(s) related to the gas station upgrade?
- (e) If the answer is in the negative, could the Minister state how much money has been collected; the total amount outstanding, and what steps are being taken to ensure collection of the balance outstanding?
- (f) Has NP paid any or all retention moneys to any contractor who is exposed to a liability under the penalty liquidated damages clause? *[Dr. Keith Rowley]*

**Secondary Schools**  
**(Construction of)**

8. (a) Is the Minister of Education aware that under a World Bank loan programme, four secondary schools were scheduled to be constructed in Sangre Grande, Cunupia, Mason Hall, Tobago and Diego Martin?
- (b) Could the Minister state the justification advanced in 1995 to warrant the construction of secondary schools in the areas mentioned?
- (c) Could the Minister explain why was the Diego Martin Secondary School removed from the school construction programme for 1999/2000? *[Dr. Keith Rowley]*

**T&TEC Customers  
(Disconnection)**

**7. Dr. Keith Rowley** (*Diego Martin West*) asked the Minister of Public Utilities:

- (a) Could the Minister state how many T&TEC customers not disconnected in September, 1999 held arrears as follows as at September 01, 1999:
- (i) \$1,000—\$4,999
  - (ii) \$5,000—\$9,999
  - (iii) \$10,000—\$19,999
  - (iv) over \$20,000
- (b) Could the Minister also state how many of these customers are still in arrears in excess of one thousand dollars (\$1,000) and how many have not yet been disconnected?
- (c) Could the Minister further state the number of customers who have been disconnected during the past six months for arrears of less than \$1,000 and \$500 respectively?

**The Minister of Public Utilities (Hon. Ganga Singh):** Mr. Speaker, I am advised that the number of customers who had arrears as at September 01, 1999 are as follows:-

|                           |   |                 |
|---------------------------|---|-----------------|
| between \$1,000—\$4,999   | - | 4,509 customers |
| between \$5,000—\$9,999   | - | 321 customers   |
| between \$10,000—\$19,999 | - | 70 customers    |
| Over \$20,000             | - | 23 customers    |

In other words, out of a total of 314,000 domestic and general customers, only 1.6 per cent of the customers had arrears as at September 01, 1999.

The number of customers still in arrears in excess of \$1,000 is 1,364. The number of customers who have not been disconnected is 48. These include customers who have either concluded some form of arrangement to pay or still have queries due to transfers and retroactive billings or the accounts have not yet been investigated.

The number of customers who have been disconnected during the past six months for arrears of less than \$1,000 is 815 customers, and less than \$500 is 4,666 customers.

Mr. Speaker, if the account is disconnected, it is T&TEC's policy to reconnect almost immediately after the payment of the outstanding amount or making some other arrangement with T&TEC. In fact, the data show that approximately 68 per cent of disconnections are reconnected on the same day, while 89.7 per cent are reconnected within two days.

Mr. Speaker, it would be totally misleading to view disconnection as a simple process at any given point in time. The disconnection, as a policy measure, is only used as a last resort and it is only after a customer has accumulated arrears over a period of time. Even then, it is not just a question of customer accumulating a fixed amount of arrears. Furthermore, all attempts are made to contact the customer before disconnection is effected.

**Dr. Rowley:** One supplemental to the Minister. Based on the last statement by the Minister that only after certain arrangements are made, is the Minister aware that my constituency office was disconnected for non-payment of \$500 on a bill that was being queried—the only bill?

**Hon. G. Singh:** Mr. Speaker, I was not aware of that, but the hon. Member indicated that to me and I will investigate the matter.

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

**9. Mr. Kenneth Valley** (*Diego Martin Central*) on behalf of Mr. Fitzgerald Hinds asked the Minister of Social and Community Development and Minister of Sport and Youth Affairs:

- (a) Could the Minister please indicate whether the Government plans in fiscal year 1999—2000 to construct and/or rebuild any new or existing community centres in Trinidad and Tobago?
- (b) If the answer to (a) is affirmative, would the Minister please indicate where these are to be located and when they would be constructed?

**The Minister of Social and Community Development and Minister of Sport and Youth Affairs (Hon. Manohar Ramsaran):** Mr. Speaker, the answer to the first part of the question is yes.

Centres will be constructed in the following areas:

|                |   |                      |
|----------------|---|----------------------|
| Eastern Quarry | - | St. George West      |
| Paharry        | - | St. Andrew/St. David |
| Achamville     | - | St. Andrew/St. David |

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|                      |   |               |
|----------------------|---|---------------|
| St. Helena           | - | Caroni        |
| Preysal              | - | Caroni        |
| Arena Road           | - | Caroni        |
| Basta Hall           | - | Caroni        |
| Buccarro             | - | Caroni        |
| Ecclesville          | - | Nariva/Mayaro |
| Kernaham/Cascadoux   | - | Nariva/Mayaro |
| St. Charles          | - | Victoria West |
| St. Johns            | - | Victoria West |
| Mon Repos/Navet      | - | Victoria West |
| Robert Village       | - | Victoria East |
| Lengua               | - | Victoria East |
| Sixth Company        | - | Victoria East |
| St. Mary's           | - | Victoria East |
| Marac                | - | Victoria East |
| Brothers/Garth Roads | - | Victoria East |
| Hindustan            | - | Victoria East |
| Thick Village        | - | St. Patrick   |
| Warden Road          | - | St. Patrick   |
| San Francique        | - | St. Patrick   |
| Pluck Road           | - | St. Patrick   |

## Community Centres to be refurbished are:

|             |   |                 |
|-------------|---|-----------------|
| Brasso Seco | - | St. George East |
| Surrey      | - | St. George East |
| El Dorado   | - | St. George East |
| Five Rivers | - | St. George East |
| Maracas     | - | St. George East |

*Oral Answers To Questions*  
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|                           |   |                      |
|---------------------------|---|----------------------|
| San Raphael               | - | St. George East      |
| Cane Farm/Kandahai        | - | St. George East      |
| Malabar                   | - | St. George East      |
| Calvary Hill/Mt. Pleasant | - | St. George East      |
| Mt. Hope/Mt. Lambert      | - | St. George East      |
| Misir                     | - | St. George West      |
| Upper Bournes Road        | - | St. George West      |
| St. Barbs                 | - | St. George West      |
| Barataria                 | - | St. George West      |
| Mt. d'Or                  | - | St. George West      |
| Sogren Lands              | - | St. George West      |
| Success Central           | - | St. George West      |
| Arouca                    | - | St. George West      |
| La Pastora                | - | St. George West      |
| Cantaro                   | - | St. George West      |
| Tabaquite                 | - | Caroni               |
| Siewdass Road             | - | Caroni               |
| Perseverance              | - | Caroni               |
| Mamoral #2                | - | Caroni               |
| Flanagin Town             | - | Caroni               |
| Frederick Settlement      | - | Caroni               |
| Vega de Oropouche         | - | St. Andrew/St. David |
| Cunaripo                  | - | St. Andrew/St. David |
| Maraj Hill                | - | St. Andrew/St. David |
| Cumuto                    | - | St. Andrew/St. David |
| Mafeking                  | - | Nariva/Mayaro        |
| Guayaguayare              | - | Nariva/Mayaro        |

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|                 |   |               |
|-----------------|---|---------------|
| San Pedro       | - | Nariva/Mayaro |
| Fonrose         | - | Nariva/Mayaro |
| Whiteland       | - | Victoria West |
| Caratal #2      | - | Victoria West |
| Hardbargain     | - | Victoria West |
| Gran Chemin     | - | Victoria East |
| Guapo           | - | St. Patrick   |
| South Oropouche | - | St. Patrick   |
| Morne Diablo    | - | St. Patrick   |
| Lachoos Road    | - | St. Patrick   |
| Dalley Village  | - | St. Patrick   |
| Vessigny        | - | St. Patrick   |
| Penal Central   | - | St. Patrick   |
| Rancho Quemado  | - | St. Patrick   |
| Vance River     | - | St. Patrick   |
| Cap-de-Ville    | - | St. Patrick   |

**1.45 p.m.**

**TOBAGO HOUSE OF ASSEMBLY  
RECURRENT OPERATIONS  
(FUNDING)**

**The Minister of Finance and the Minister of Planning and Development (Sen. The Hon. Brian Kuei Tung):** Mr. Speaker, I wish to advise this honourable House that I have been authorized by Cabinet to make the following statement.

The Chief Secretary and Secretary for Finance and Planning in the Tobago House of Assembly, in a letter dated November 11, 1999 to the Minister of Finance and the Minister of Planning and Development, requested that the 1999—2000 allocation of \$325,773,600 to the Tobago House of Assembly, in respect of recurrent expenditure be increased by \$63,444,221 to the sum of \$389,217,821.

The Chief Secretary has submitted that the recurrent estimates for the fiscal years 1998—1999 and 1999—2000 have been under-funded. The Chief Secretary

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has sought to substantiate his claims by reference to items which, in his assessment, no funding was provided for and which were inescapable charges on the account of the Tobago House of Assembly.

Pursuant to the statement of the Chief Secretary, the Ministry of Finance, Planning and Development re-examined the recurrent estimates of the Tobago House of Assembly for fiscal years 1998—1999 and 1999—2000. The statement by the Chief Secretary was found to be inaccurate.

Mr. Speaker, the funding provided to ministries, departments and the Tobago House of Assembly is dictated by the budgetary constraints of the Government. These constraints are determined by revenue flows and expenditures which must be prioritized for national security, social welfare, maintenance, investment and other unavoidable expenses. They also take into account the legitimate and feasible expectations of entities funded by the State. It is on this premise that the allocations to the Tobago House of Assembly for fiscal years 1998—1999 and 1999—2000 have been based.

The specific items of expenditure identified by the Chief Secretary as being under-funded were examined. The Ministry of Finance, Planning and Development has determined that all legitimate items of expenditure had been funded. The Ministry of Finance, Planning and Development did not provide funding for such items as the Contributory Pension Scheme, the Agriculture Incentive Programme and the National Services Programme.

Mr. Speaker, with respect to the Contributory Pension Scheme, section 16(5) of the Tobago House of Assembly Act provides that the Assembly, in accordance with the Financial Rules made under section 52, shall establish a contributory pension scheme for members. In accordance with section 16(5) a member is defined as:

“Assemblyman, Councillor or Presiding Officer.”

The Financial Rules, which are required for the proper management of the finances of the Assembly, have not yet been approved. Therefore, in the absence of these approved rules, no funding has been provided for the pension scheme.

Additionally, no funds were provided for the Agriculture Incentive Programme and the National Services Programme of the Assembly. These programmes are being administered on a national level by the respective line Ministries namely; the Ministry of Agriculture, Land and Marine Resources and the Ministry of Social and Community Development.

For fiscal year 1998—1999, the Tobago House of Assembly received in full, the sum of \$315,338,000 which was appropriated by this honourable House. This disbursement of the approved allocation to the Tobago House of Assembly was effected, notwithstanding the restraint imposed on releases of funds to ministries and departments. This restraint on releases was a direct result of a shortfall of \$871 million in revenue for fiscal year 1998—1999. Therefore, the Tobago House of Assembly, in contrast to ministries and departments did not suffer any cutbacks in recurrent expenditure during fiscal year 1998—1999.

Mr. Speaker, from the approved recurrent estimates of \$12,939,639,137 the sum of \$273,866,595 had been withheld. Some of the ministries were most severely affected, and I would like to name a few. The Ministry of National Security had an approved estimate of \$1,063,120,100 but were only allowed the expenditure of \$996,884,521, the amount being withheld was the sum of \$66,235,579. In other words, they had to make do with \$66,000,000 less than Parliament had approved. The Ministry of Education had an approval of \$1,203,197,000, the amount released was \$1,149,198,275, the sum of \$53,999,466 was withheld. The Ministry of Health had parliamentary approval for \$802,307,770 and \$731,836,839 had been released, the amount withheld being \$70,470,931 and so forth.

Furthermore, the Tobago House of Assembly has reported that the actual expenditure for fiscal year 1998—1999 was \$321,995,750, that is \$6,657,750 in excess of the approved allocation of \$315,338,000. The principal reasons for the increase in expenditure are increases in wages and COLA to daily rated workers, consulting and other contracted services. The approved estimate for wages and COLA was \$97,783,000. However, the actual expenditure incurred by the Tobago House of Assembly was \$112,130,009, an increase of some \$14,347,009. The approved estimate for consulting and other contracted services was \$14,260,000 approved by this Parliament. The actual expenditure incurred by the Tobago House of Assembly was \$24,923,208, an increase over the amount approved by Parliament of \$10,663,208.

These increases in wages and COLA, consulting fees and contracting are the result of the sole decision of the Chief Secretary and Secretary for Finance and Planning, in the Tobago House of Assembly. There was no consultation with the Minister of Finance and the Minister of Planning and Development on this additional spending, and for which no funds had been allocated by Parliament.

Mr. Speaker, it would appear that the Tobago House of Assembly has over-extended itself in the areas of employment and the engagement of contracted

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services. The increases in expenditure in these areas appear to be part financed by the re-allocation of funds provided for the payment of increments. An allocation of \$19,847,000 was provided for the payment of arrears of increment in the sum of \$13,184,000 for 1997—1998, and to meet salary increases of \$6,663,000 as a result of the re-introduction of increments. However, as at September 30, 1999 of that \$19,000,000 that was allocated, only \$3,834,469 was reported as paid. The Auditor General has been requested to investigate the latter matter and is also to undertake a comprehensive audit of every aspect of the Tobago House of Assembly's finances.

Mr. Speaker, I would like to place on record, that there was no discussion with the Minister of Finance and Minister of Planning and Development and no authority was sought to use funds allocated for salary increases and increments to pay workers hired by the Tobago House of Assembly and for whom Parliament appropriated no money for wages, salaries or fees.

The Chief Secretary also submitted that the increase in funding for the recurrent expenditure, when netted out against the increased functions and responsibilities would result in a negative allocation for 1999—2000. This assessment itself is also inaccurate, as it does not take into account the non-recurring provision of the \$13,184,000 in fiscal year 1998—1999, in respect of arrears of increment. In other words, that would have been a one-time payment in 1998—1999 and, therefore, would not have needed to be repeated in the year 1999—2000. The position, therefore, is that the Tobago House of Assembly for fiscal year 1999—2000 has actually received an increase of \$23,619,600 over the net budget for fiscal year 1998—1999.

Mr. Speaker, the national budget is determined by Government's revenue expectations, its commitments, and strategies designed to effect Government's macroeconomic policies. Given the volatile nature of certain revenue items, Government must be prudent in the determination of the Budget.

**1.55 p.m.**

In the circumstances, ministries, departments and the Tobago House of Assembly must exercise great care in the management of financial resources allocated to them. The Government considers the allocation to the Tobago House of Assembly to be fair and equitable and reasonable for the execution of its functions for fiscal 1999/2000. Accordingly, the Assembly should seek to operate within the confines of the budgetary allocation as approved by Parliament for fiscal 1999/2000. I thank you, Mr. Speaker. [*Desk thumping*]

**TEACHING SERVICE  
UNIFICATION AND DELINKING**

**The Minister of Education (Hon. Kamla Persad-Bissessar):** Mr. Speaker, the unification of the teaching service and its delinking from the public service are issues which have been raised over time by the Trinidad and Tobago Unified Teachers' Association (TTUTA), the National Advisory Committee on Education and the National Task Force on Education in its education policy paper 1993—2003. At present, the teaching service forms part of the public service of Trinidad and Tobago. Each service within the public service is apparently distinct and separate from each other in the sense that they are governed by the particular service commission established under our Constitution and by the respective Service Acts and Regulations.

In spite of the apparent autonomous existence of each of the services in Trinidad and Tobago, they share features in common as component parts of the public service. In terms of the education system, what we have at present is a system that comprises four groups. First there is the teaching service. The members of the teaching service deliver the curriculum in schools. This group falls under the Teaching Service Commission and is governed principally by the Education Act and the Education (Teaching Service) Regulations and the Public Service Regulations as adopted by the Teaching Service Commission.

Secondly, there is the professional (non-teaching) administrative and technical staff who are civil servants and fall under the purview of the Public Service Commission. Thirdly, there is the manipulative, clerical and secretarial staff who are also civil servants and who provide day-to-day support services in the education system and, fourthly, janitorial and security staff who are largely workers employed by private companies contracted by the Ministry of Education. The result is a system, which is oftentimes slowed by bureaucracy and where reporting relationships differ and in which conflicts sometimes arise. That present arrangement, Mr. Speaker, impacts on the teaching service.

The report of the National Task Force on Education which was laid in Parliament in 1993 indicated that the current dispersion of the essential and critical human resource management functions of the education service through the offices of the Director of Personnel Administration, who is the head of the Service Commissions Department, the Chief Personnel Officer who is the head of the Personnel Department and other officers in the Ministry of Finance, was not conducive to the development of coherent and incisive policy reform regarding conditions under which a professional education service must operate.

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It encouraged, the report indicated, the tendency to subordinate critical functions of the educational service to, at times, stifling bureaucratic public service requirements. Further, that 1993 report indicated that the present system of classification and compensation did not allow for the provision of a compensation scheme that reflected the intrinsic worth or value of educators, or help to establish the prestige and status of education and to attract the best and most suitable persons to the profession.

Amongst the arguments advanced for unification and delinking was the view that it was necessary to develop professionalism in the teaching service and an appropriate career ladder for teachers. In most cases, in the present system, teachers have a very restricted career ladder with very few promotional steps permitting only progression from one of three places: Teacher I through Vice-Principal to Principal, or Teacher II through Vice-Principal and Principal. Thereafter, in order to achieve career mobility, teachers would have to leave the teaching service and become education administrators under the civil service.

The national task force on education, in their education policy paper of 1993, recommended specific improvements in the education system which included a unified education service such as would nurture professional collegiality and an appropriate degree of professional control in responsibility and accountability. Unification of the teaching service, Mr. Speaker, envisages the bringing together of all the actors in education under one education service. This would include teaching, administrative and technical officers as well as all other officers who interact directly with the education process. All actors would share a common education vision.

Whilst the education policy paper of 1993 recommended development of a unified education service and its delinking from the rest of the public service, implementation of the relevant recommendations did not progress due to lack of clarity in some instances and, of course, the need for certain related issues to be addressed. In December of 1998 Cabinet agreed to the appointment by the Minister of Education of a committee to consider the issues relating to unification of the Teaching/Education Service and the delinking of that service from the general public service.

The issues for consideration by that committee included:

- legal and constitutional implications and requirements of unification and the delinking exercise;

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- the impact on the private and assisted education institutions and the response of the current stakeholders to the new concept; and
- the extent to which this new direction is in harmony with projections for the new public administration.

That committee was duly appointed by the then Minister of Education and comprised the following persons:

Mr. Anthony Garcia Representative of the National Advisory Committee on Education/Chairman of the Delinking Committee

|                       |  |
|-----------------------|--|
| Mr. Hart Edwards      | Permanent Secretary, Ministry of Education |
| Ms. Sandra Marchack   | Chief Personnel Officer                    |
| Ms. Jeanne Roseman    | Director of Personnel Administration       |
| Mr. Maurice Suite     | Deputy Director of Budgets                 |
| Mr. Trevor Oliver     | Representative of TTUTA                    |
| Ms. Jennifer Baptiste | President, PSA                             |
| Ms. Bernadine Thomas  | Senior Planning Officer                    |

That committee duly met and submitted its report to the then Minister of Education on October 5, 1999. Mr. Speaker, I wish to place on record Government's gratitude to all members of the committee for the outstanding work done in completing the report that was laid earlier in Parliament today.

I am very pleased to report that this document, the report of the committee, was considered by Cabinet and Cabinet made the following decisions. Cabinet noted the contents of the report of the committee appointed to consider all the issues relating to unification of the Teaching/Education Service and the delinking of that service from the public service. In connection therewith, Cabinet also noted that the President of the Public Services Association, who was a member of the committee, did not sign the report. The reasons therefore were stated in a letter dated October 5, 1999, addressed to the Minister of Education. A copy of that letter was also attached for Cabinet's consideration and is also attached to the document which has been laid in Parliament.

Cabinet further noted in particular that the committee considered the move to unification as being quite feasible for the undermentioned reasons. That is to say, that it would require only simple amendments to the Education Act, Chap. 39:01 and the Civil Service Act, Chap. 23:01. There would be no disadvantage to

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officers involved in replacing Schedule I in the Teaching Service and that moving back into the Teaching Service would not change the status of the public officers. The only change would be the reporting relationships from the Public Service Commission to the Teaching Service Commission.

Cabinet noted further, Mr. Speaker, that, with respect to the issue of delinking, the committee was of the view that total delinking would not be feasible at this time because of the serious constitutional, legal and cost implications associated therewith. Partial delinking was the preferred option given that there would be minimal impact on constitutional and legislative amendments, that it would be in line with the new public administration programme, facilitating service delivery, continuous improvement, employee involvement and empowerment. The cost involved would be more manageable and it could be realistically attained within a relatively short time.

Cabinet further noted, Mr. Speaker, that the committee recommended partial delinking of the Teaching/Education Service from the rest of the Public Service as set out in the summary of the report at pages 43—46. Having noted all this, Mr. Speaker, Cabinet agreed as follows. One, to the partial delinking of the Teaching/Education Service from the rest of the Public Service and the unification of the following critical areas from the education sector: teaching, educational administration, educational management, curriculum planning, development and implementation and supervision.

Secondly, Cabinet agreed that the partial delinking be undertaken on a phased basis as follows. Phase I, implementation of a separate compensation plan for members of the Teaching/Education Service. Secondly, further delegation of authority by the Teaching Service Commission in the following areas: delegation of authority to make temporary appointments for offices below the office of vice-principal and to make acting appointments; power to confirm appointments where the officer has served a satisfactory probationary period; power to accept resignations once they conform to relevant regulations; power to note compulsory and voluntary retirement.

Cabinet further agreed that Phase II of this delinking process, Mr. Speaker, which involves a devolution of financial management and decentralization of the Ministry of Education, be also pursued. Further, that with respect to further delegation of authority, the Minister of Education initiate discussions with the commission on the matter. It was agreed also that in connection with the devolution of financial management under Phase II, the Ministry of Education

hold discussions with the Ministry of Finance on the introduction of procedures to streamline the accounting processes especially as they relate to the disbursement of funds.

With regard to the strengthening of the human resource management function in the Ministry of Education, the ministry, in conjunction with the Ministry of Finance, should approach the Service Commissions Department with a view to having the vacant positions in the Human Resource Management Unit filled. It was also agreed that the Ministry consult with the Institutional Performance Division of the Ministry of Public Administration on the establishment of a human resource information systems unit to provide an appropriate database which is critical for the establishment of a unified Teaching/Education Service.

Finally, Mr. Speaker, Cabinet further noted, in connection with the implementation of a separate compensation plan for members of the Teaching/Education Service as part of Phase I of partial delinking, that the present system, whereby the compensation package is negotiated between the Personnel Department and TTUTA, would continue, with negotiations being conducted under the direction of the ministerial committee with responsibility for overseeing negotiations and levels of remuneration in the public sector. Secondly, Cabinet further noted that, if adopted, the job evaluation exercise completed by the Personnel Department for the Teaching Service would bring a more scientific approach to job classification and would give support to the proposal to implement a separate compensation package for the Teaching/Education Service.

Mr. Speaker, this particular report of the committee on unification of the teaching service and delinking from the public service, as I have said, the issues have been raised before the time of this Government. They were pursued under the White Paper that was presented in 1993, followed up by the National Advisory Committee on Education and the Trinidad and Tobago Unified Teachers' Association. We, the ministry officials, held discussions earlier today with TTUTA to indicate to TTUTA the decision that had been taken by Cabinet. I thank you, Mr. Speaker.

**Mr. Manning:** Mr. Speaker, I wonder if you would be prepared to allow a question in order to clarify an aspect of the statement just made by the Hon. Minister of Education. Could the Minister of Education let us know the significance of the fact that the report is not signed by three persons: Mr. Hart Edwards, Permanent Secretary, Ministry of Education; Mrs. Pavitri Persad, Assistant Chief State Solicitor and Miss Jennifer Baptiste, President, Public Services Association?

**Hon. K. Persad-Bissessar:** With respect to Miss Jennifer Baptiste, in my statement I indicated it was not signed by Miss Baptiste and that she sent in a letter dated October 5, 1999. That letter is attached explaining her reasons for not signing. So I did make that statement before. With respect to the other two persons, one from the Chief State Solicitor's office and the Permanent Secretary, I am reliably advised—and this is subject to correction from them—that the document was signed by them, but through an oversight their signatures were not included. So that the only person, as far as I am advised, who did not sign the report was Miss Jennifer Baptiste from the PSA. There was no need really for us to attach her letter but I felt it would be prudent, for information of all Members, that accompanying the report I laid earlier, her letter dated October 5, 1999 explaining the position of the PSA should be attached to the report.

However, I would like to indicate that throughout all the meetings of the committee, as indicated in the report, a representative of the Public Services Association attended. I think it was a Miss Logie, but that was indicated within the body of the Report. Thereafter, the President of the Public Services Association sent a letter dated October 5, 1999. Thank you.

### **2.10 p.m.**

#### **YEAR 2000 READINESS STATUS OF TRINIDAD AND TOBAGO**

**The Minister of Training and Distance Learning (Dr. The Hon. Rupert Griffith):** Mr. Speaker, hon. Members of this honourable House, Cabinet has granted me the approval and it is my pleasure this afternoon to provide you with an update on the Year 2000 Readiness Status of Trinidad and Tobago.

As you are aware, this Government has been working on the implications of the year 2000 challenge since 1997. Our objectives are to provide uninterrupted services in key areas and to help local industry meet the year 2000 challenge.

As Chairman of the National Year 2000 Task Force, let me begin by reporting on the critical areas of the economy. These areas will include:

- Trinidad and Tobago Air Transportation Systems;
- the Banking Industry;
- the Energy Sector;
- the Utilities;
- the Public Service; and
- the Public Health Sector.

First of all, Mr. Speaker, you would be pleased to know that Trinidad and Tobago's Air Transportation Systems are year 2000 ready.

Trinidad and Tobago is a member of the International Civil Aviation Organization (ICAO) and has been working with ICAO and the International Air Transport Association (IATA) in ensuring that Trinidad and Tobago and the countries in the Piarco Control Area/Flight Information Region (CTA/FIR) are Y2K ready.

As of now, all navigation and approach aids, radar processing and surveillance systems, flight data management systems, support information systems, aeronautical information services, control and monitoring systems and building management systems were inventoried, assessed, renovated, tested and implemented.

The communications systems have been inventoried and assessed. These systems are currently being renovated, implemented and tested. The expected completion date was November 30, 1999, however, the industrial dispute at TSTT has affected the timely completion of this exercise. The target completion date is now December 15, 1999.

Mr. Speaker, further, Trinidad and Tobago, with the participation of the Eastern Caribbean states, has developed a Y2K Contingency Plan for the Piarco CTA/FIR.

The Airports Authority has reported that the instrument landing systems, approach lights, runway lights and other navigational aids at both Piarco and Crown Point Airports are Y2K ready.

The above systems are electrically powered and, as a contingency measure, the Airports Authority has acquired background power generation systems, uninterrupted power supplies and airfield lighting systems, which are all date independent.

In an effort to assist the vendors, service providers and other organizations that operate at the airports in ensuring Y2K readiness, the Airports Authority has established a Y2K Project Office. Responses revealed, to date, have indicated that all systems will be Y2K ready.

Air Caribbean has reported that its aircraft do not have on board digital computers that can be affected as a result of the year 2000 challenge. Its maintenance organization does not have any digital computers that could be affected. Its flight plans are outsourced, and the organization supplying these

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flight plans is Y2K ready. Engineering monitoring services are provided by a consortium of airlines in Central America (TACA), a Federal Aviation Authority approved facility. TACA has stated that it is Y2K ready and Air Caribbean is awaiting written confirmation from TACA of its Y2K compliance. Air Caribbean uses the Gabriel Reservation System for all reservation bookings. This system has been certified as being Y2K compliant.

BWIA International Airways Limited has reported that reassurance testing of key business systems and applications has been completed. All of its aircraft computers have been cleared as at September 10, 1999. All PC systems have been evaluated. Non-compliant PC systems were upgraded. At present, all PC systems are Y2K compliant. The mainframe computer systems were replaced by Y2K compliant systems. Data migration and functionality testing has commenced and is ongoing.

Over 1,600 business partners, vendors and other partners in BWIA's supply chain have been investigated. Positive responses have been received from the majority. Alternative suppliers have been identified as a contingency plan.

All communication networks have been tested and upgraded where necessary to ensure Y2K readiness. Reassurance testing is being conducted at present. The flight scheduling programme has been upgraded and has been deemed Y2K ready. The baggage scanners have been certified as Y2K compliant. The SABRE reservation system has been upgraded and tested. It is deemed Y2K compliant.

Mr. Speaker, all six commercial banks have declared themselves to be year 2000 ready. The insurance sector is also working towards readiness and the larger credit unions have declared their systems to be year 2000 ready. The banks at this time are engaged in contingency planning to ensure that the financial system will be functional in the new year. The Central Bank of Trinidad and Tobago has also declared itself to be ready to deal with Y2K-related issues.

The energy sector has devoted resources to making their systems ready since 1998. The energy sector working group is comprised of Atlantic LNG; BP Amoco Energy; British Gas (Trinidad) Limited; Enron Gas and Oil Trinidad Limited; Farmland MissChem Limited; Hydro Agri (Trinidad) Limited; Industrial Gases Limited; PCS Nitrogen Trinidad Limited; Petrotrin; Phoenix Park Gas Processors Limited; PLIPDECO; Process Plant Services Limited; Shell (Trinidad) Limited; Texaco (Trinidad) Limited; the National Gas Company of Trinidad and Tobago Limited; Trinidad and Tobago National Petroleum Marketing Company Limited; Trinidad Cement Limited; Trinmar Limited and Tucker Energy.

Mr. Speaker, you would have noted that Petrotrin held its Compliance Sign-Off in October. Companies in the energy sector group have completed their Y2K remediation and testing and their primary focus at this time is ongoing contingency planning to ensure that operations will continue as normal. The Trinidad and Tobago Emergency Management Aid Scheme (TTEMAS) is ready to deal with any fallout from Y2K-related difficulties.

Mr. Speaker, with respect to the utilities, WASA, TSTT, T&TEC and PowerGen have completed their Y2K remediation and have all declared themselves ready to deal with the year 2000 challenge. Rollover testing has been carried out and the utilities do not anticipate any disruption of service. They have all declared publicly that they are ready to continue to provide service to consumers.

With respect to the Public Service, 800 new Y2K compliant computers have been deployed throughout the public service (this is in addition to those that were already Y2K compliant) to ensure that we can continue to serve our customers. Systems have been assessed/replaced/upgraded and are Y2K compliant at the following Ministries and Departments:

- Office of the President;
- The Auditor General;
- Judiciary—Supreme Court and Magistracy;
- Industrial Court;
- Parliament;
- Office of the Ombudsman;
- Service Commissions;
- Statutory Authorities Service Commission;
- Elections and Boundaries Commission;
- Tax Appeal Board;
- Registration, Recognition and Certification Board;
- Public Service Appeal Board;
- Office of the Prime Minister;
- Tobago House of Assembly;
- Ministry of Finance, Planning and Development;

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Ministry of the Environment;  
Ministry of National Security;  
Ministry of the Attorney General and Legal Affairs;  
Ministry of Agriculture, Land and Marine Resources;  
Ministry of Education;  
Ministry of Health;  
Ministry of Labour and Co-operatives;  
Ministry of Housing and Settlements;  
Integrity Commission;  
Ministry of Energy and Energy Industries;  
Ministry of Culture and Gender Affairs;  
Ministry of Local Government;  
Ministry of Works and Transport;  
Ministry of Public Utilities;  
Ministry of Social and Community Development;  
Ministry of Sport and Youth Affairs;  
Ministry of Foreign Affairs;  
Ministry of Trade, Industry and Consumer Affairs;  
Ministry of Tourism;  
Ministry of Public Administration;  
Ministry of Tobago Affairs; and  
Ministry of Training and Distance Learning.

Mr. Speaker, as for the public health sector, we are actively involved in contingency planning to ensure that we can continue to provide service to patients. Patients can expect to receive uninterrupted service in the year 2000.

The National Year 2000 Task Force has also been engaged in a communications campaign. The small business sector has been targetted through newspaper and radio advertisements and a general public awareness plan is also under way.

The December/January edition of *BWIA's Caribbean Beat* magazine contains an insert detailing the Trinidad and Tobago's year 2000 readiness. This magazine has a worldwide circulation of approximately 75,000 copies. A website has been created and we have seen a steady rise in the number of visitors to this site with 5,208 hits in August; 6,209 hits in September and an increase of over 7,000 hits during October and November, 1999.

With respect to overseas missions, Mr. Speaker, all overseas missions are being contacted and provided with information on the readiness status of Trinidad and Tobago. The Tourism and Industrial Development Corporation has also assisted by linking the Task Force's website to theirs to ensure that anyone interested in travelling to, or doing business with Trinidad and Tobago, is provided with adequate information on our year 2000 readiness status.

The small business sector specialist at the National Year 2000 Compliance Secretariat has been actively engaged in an outreach programme. He has delivered presentations to a large cross-section of entrepreneurs throughout Trinidad and Tobago.

We do not expect any serious/major disruptions or glitches. However, the National Year 2000 Task Force is also working with NEMA to finalize a national contingency plan to deal with any potential disruption in critical areas that may result from the year 2000 date rollover issue. At this time, we are confident that Trinidad and Tobago is ready to do business in the new millennium.

This Government is of the view that if we work in partnership with both the public and private sectors, we will ensure the transition to the year 2000 is remembered not for major disruptions or glitches, but for its unique celebrations.

In conclusion, Mr. Speaker, I take the opportunity to inform this honourable House that Trinidad and Tobago will be Y2K ready. As a responsible Government, we have discharged our duty with due diligence. Consequently, as stated earlier, we do not foresee or anticipate any serious fallout resulting from the Y2K challenges.

I, therefore, assure this honourable House that the national contingency planning group will be on duty, monitoring what is taking place elsewhere in the world—I repeat, elsewhere in the world—in order that we may prepare ourselves for any unforeseen situations emanating from abroad.

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May I take the opportunity to wish you and your family, the Members of both sides of this honourable House and their families and loved ones, a blessed Christmas and a bright and prosperous millennium new year.

I thank you and may Almighty God bless us all.

**2.25 p.m.**

**DANGEROUS DRUGS (AMDT.) BILL**

Bill to amend the Dangerous Drugs Act, 1991 [*The Attorney General and Minister of Legal Affairs*]; read the first time.

**PROCEEDS OF CRIME BILL**

Bill to provide for the consolidation of the confiscation of the proceeds of drug trafficking and to provide for the confiscation of the proceeds of other crime and the criminalising of money laundering [*The Attorney General and Minister of Legal Affairs*]; read the first time.

**HOMES FOR OLDER PERSONS BILL**

Bill to provide for the licensing, regulation and control of homes for older persons [*The Minister of Social and Community Development and Minister of Sport and Youth Affairs*]; read the first time.

**EDUCATION (AMDT.) (NO. 2) BILL**

Bill to amend the Education Act, Chap. 39:01 [*The Minister of Education*]; read the first time.

**NATIONAL CHUTNEY FOUNDATION OF  
TRINIDAD AND TOBAGO (INC'N) BILL**

*Question put and agreed to*, That a Bill to provide for the incorporation of the National Chutney Foundation of Trinidad and Tobago and matters incidental thereto, be now read the first time.

*Bill accordingly read the first time.*

**CORPORATION TAX (AMDT.) BILL**

Bill to amend the Corporation Tax Act, Chap. 75:02 [*The Minister of Finance*]; read the first time.

**CHILDREN'S AUTHORITY BILL**

[SECOND DAY]

*Order read for resuming adjourned debate on question* [December 03, 1999]:

That the Bill be read a second time.

*Question again proposed.*

**Mr. Speaker:** The Member for Tunapuna was speaking when the adjournment was taken. He had spoken for some 25 minutes and has a balance of 20 minutes' speaking time.

**Mr. Edward Hart** (*Tunapuna*): Mr. Speaker, when the House was adjourned at the last sitting I was saying that we wanted to be clear on the meaning of "the best interest of the child" or "the moral damage of the child", bearing in mind that we live in a society where there are Hindus, Muslims, Christians and even atheists.

Mr. Speaker, I would also want to consider carefully what we mean by "a child" in this context. Mr. Speaker, I am not ready to call an 18-year old—someone who is on the verge of voting—a child. The state has to be careful in what it means by "children's issues", how it intends to go about investigating complaints or reports of mistreatment of children in their homes. We have to be careful that we do not end up with a totalitarian state in which neighbours spy on neighbours. We all know that some neighbours do not get along with each other, or as in the United States of America, children could just take up the phone and call and complain. They can tell their parents that they cannot touch them, they will report them to the agency.

More to the point, how do we train children, instil values and reprimand them when parents know the child or the neighbour can report them to the state at any moment? How can we train our children when the parents know that big brother is looking at their every move? We have to be sure that we know what the rights of all children in Trinidad and Tobago are before we set up a body to act as their advocate. I insist that this is a job that cannot be left to an authority. This is a job for all of us in Trinidad and Tobago. We have to sit and discuss these matters before 10 or so persons are appointed by the President to decide what those laws are.

Mr. Speaker, I also would want to be careful about the composition of the board of management that will be in charge of this Act. I do not know that a child psychologist or a child psychiatrist is anymore knowledgeable about children than a parent or parents who had to bring up four, five or six children, as the case may be. As we all know, psychology and psychiatry are recent disciplines that have a long way to go before they can become scientific. I would like to see some more parents and humanists on the board whenever it is constituted.

I have already listed some concerns *viz-a-viz* Part III which states:

"Children in need of Care and Protection"

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This is the most dangerous aspect of the Bill, I believe, and one which needs the most community input. Firstly, I do not know how one determines that one's infirmity or other incapacity can always prevent a parent from bringing up a child. In fact, child and parent may bond more tightly precisely because of such infirmities and may instil in such a child a sense of caring for those who are disabled and who are infirmed. If we begin to abandon our weak and infirmed, it would not be long before we begin to lower our capacity for caring and concern for one another. We need to be very careful. I am yet to see how we will determine that a child is exposed to moral danger or that a child is beyond the control of his parents. Does the parent have any say in making this determination?

Mr. Speaker, the thing about begging; are we now to make begging or receiving alms a crime? Are we to take a child away from its parents because he is found loitering for the purpose of begging or receiving alms? Let me say, I know a few citizens who actually lived on alms because their parents did not have the financial wherewithal to bring them up. Is it not that being destitute, begging or receiving alms more a function of poverty than neglect on the parents' part? Worst or all, such proposals have the echoes of slavery.

A child should be picked up if he or she—[*Interruption*] yes slavery—is found loitering for the purpose of begging or receiving alms. Do we understand what is happening here, Mr. Speaker? Must someone be in the same spot, let us say, for two, three or four hours, before he is deemed to be loitering? Then how do we determine that he or she is loitering for the purpose of begging? The day we make begging for alms a crime in this country, then all of us better look out. Right now we might be all right, but who knows what fate awaits further down the road?

However, clause 32(1) of the Bill is the real killer. It is bad law. It reads:

“Where the Authority is satisfied that a person legally liable for the care and maintenance of any child intends to leave Trinidad and Tobago without making adequate arrangements for the care of the child, it may object to the Chief Immigration Officer to such person leaving Trinidad and Tobago until such person has made provision to the satisfaction of the Authority that—

- (a) the child is not likely to become a charge on the public funds; or
  - (b) such child is not exposed to moral danger or neglect by reason of lack of care and maintenance.
- (2) The Chief Immigration Officer on receipt of such objection may refuse to permit the person to leave Trinidad and Tobago.”

Mr. Speaker, the authority could just call and say: "You have not made adequate provisions for your children and the Chief Immigration Officer has the authority to stop you from leaving this country." This is quite a law. I am asking; how does the state determine that a person who is leaving this country has not made adequate arrangements for his or her child? This is beyond me. How does the state determine that a child is exposed to moral danger? What is moral danger is even more dangerous. How a mere objection on the part of the state can permit a Chief Immigration Officer to prevent someone who has committed no crime from leaving the country is beyond me.

Could we be reaching a state in society where a citizen who wishes to emigrate has to line up in front of a children's authority office; similar to what we do in front the United States Embassy when we want to go abroad or produce a letter of good character or show a certain sum of money in the bank, show a job letter, get a father, mother or husband to say: "She is a good girl, before she can leave? I think we should really consider this.

**2.35 p.m.**

Then, we have another frightening clause in 36(1) which reads:

"The Authority may, with the consent of the Minister, procure or assist in procuring emigration for any child in its care."

So this is the authority. Nothing is said about the parent here. It goes on:

"(2) The Minister shall not give his consent under this section unless he is satisfied that—

- (a) emigration would benefit the child;
  - (b) suitable arrangements have been or will be made for the child's reception;
  - (c) proper arrangements for the child's welfare in the country to which he is going has been made;
  - (d) the parents or guardians of the child have been consulted; and
  - (e) that the child consents.
- (3) In any case where the child is accompanied by a parent, guardian or relative, or is to emigrate for the purpose of joining a parent, guardian, relative or friend, but is too young to form or express an opinion, the Minister may consent to his emigration, notwithstanding that the said child is unable to consent."

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Mr. Speaker, I think this legislation was not well thought out. Have we really thought about what we are proposing? Firstly, let us define the meaning of "procure" and Webster's New World College Dictionary defines "procure" as follows:

- i. to get or to bring about by some effort, obtain or secure;
- ii. to obtain persons, especially women, for the purposes of prostitution.

Mr. Speaker, are we to interpret clause 36(1) to mean that the state, of its own volition, may send children abroad if it is satisfied that it will benefit the child? Does this mean that once the state takes a child from a parent, the state has the right to do with a child whatever it wants if it involves sending that child into prostitution, Mr. Speaker? Parents have no say. Does it mean that whether the parent agrees or not, consulting a parent or guardian is not the same thing as abiding by the wishes of the parent or guardian?

A child could be sent abroad, and if we follow this recipe, the next thing we know is that we will have a flourishing trade here with our children being sold to American couples who could afford, once the state determines that it will be beneficial to the child. In fact, there is no reason why well-to-do, middle class Americans, who have been going to China and other places to procure babies at extravagant cost would not now turn their eyes to Trinidad and Tobago. Could you imagine the possibilities for fraud, blackmail and the black market of our children if the state can now decide what is in the best interest of the child? Mr. Speaker, they used to call such behaviour "white slavery", meaning "the condition in which a woman is enticed or forced into prostitution for the profit of others". Mr. Speaker, if we are to go along that route, why do we not just open up a baby market to sell our babies?

There are times when no legislation at all is better than bad legislation. The Children's Authority Bill, 1999 is bad, regurgitated legislation. It is not in the interest of the child. It is not in the interest of the parent or the society. Rather than go forward with this Bill, I suggest the following remedies:

- (a) That the Minister gathers empirical data before we resume discussion of this Bill. Perhaps the research units for which the Bill calls ought to be selected and given the responsibility of gathering the necessary information for which I have called.
- (b) The Minister should form a small committee, including nominees from both sides of the House, to examine the implications of this bit of legislation.

- (c) The Minister should seek out more empirical studies, do some surveys, *et cetera* to establish a sound rationale for the Bill.
- (d) The Minister should hold hearings throughout the island before he brings back this Bill for our consideration, since this matter goes to the heart of our civilization practices.

It is the right of parents to bring up their children and the right of children to interact with their parents free from the obtrusive arm of the state. Hearings should be held throughout the island to get the response of our citizens. Since Trinidad and Tobago, and so many other Caribbean territories depend on immigration to deal with this economic problem, and since as much as 15 or 20 per cent of Trinidadians and Tobagonians live abroad, we should also seek to find out why they did what they did; under what circumstances they were forced to leave the country; and what are their suggestions on this matter—very important, Mr. Speaker. Because the Minister has made certain assumptions and there is no reason to believe he knows why these citizens behaved the way they did. In this connection, it might be necessary—it is not too far-fetched—to have hearings in cities in the USA, for instance, in New York, Washington D.C., and Miami. Many of our people have settled there, and also in Toronto and Canada. In this way, we will be making legislation on the basis of evidence rather than on supposition and anecdotes, which is what we have here now; hence, public hearings are a must. I repeat, it is so important that we need to get the public involved: we have to hear what they have to say.

- (e) The Minister must clarify his terms before he uses them. The Bill referred to terms such as “in the best interest of the child”—I said that earlier—“moral danger”, “children’s rights” and “parent’s rights”. We also need to know what “a child over and beyond his or her chronological age” means and how much autonomy a child ought to have. To what degree determination of such autonomy lies within the framework of a particular family’s definition of what is good for itself, its advancement, what sacrifices ought to be made and so forth?
- (f) After we have gathered such information we may want to have a limited experiment before we engage in large-scale social engineering—it is the last thing this country needs.

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Mr. Speaker, in conclusion, one of the many outstanding verses in the *Bible* states:

“Train a child in the way he should grow and when he is old he will not depart from it.”

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

**The Minister of Labour and Co-operatives (Hon. Harry Partap):** Mr. Speaker, I am happy to join the debate at this time in support of the Children's Authority Bill.

Mr. Speaker, this piece of legislation is extremely important because, for the first time, a mechanism is to be put in place to regulate all matters with respect to the children of this country. Indeed, this Bill fills a vacuum in our social system so far as our children are concerned.

My friend, the Member for Tunapuna, raised questions about the rights of the child. Also, during his contribution—especially the latter part of it—he made an extremely good case for children to remain as they are: not protected; offering no help for them; allowing them to beg on the streets; allowing them to be abandoned and to be led astray. He made a very good case for that.

**Miss Nicholson:** He never said that. His case was solid.

**Mr. Hart:** You “ain’t” know better, boy.

**Hon. H. Partap:** Mr. Speaker, I wonder if my friend, the Member for Tunapuna, who sits on the opposite side, and those opposite—except of course, my two friends on my far right—have any moral authority at all to question us on our commitment to the children and the rights of children in this country? I wonder. Indeed, Mr. Speaker, it appeared to me that the Member for Tunapuna did not make up his mind as to whether children should or should not be protected by an authority, [*Desk thumping*] an authority stipulated in the Bill.

I understand him and I feel sorry for him, but I understand his predicament, because it is really unfortunate that it took 37 years after Independence for legislation to protect children through the Children's Authority Bill to reach Parliament, even though we had a political party in government in this country for 34 years which paraded as one who cares. For whom did they care? Certainly not the children, certainly not the elderly, certainly not the pensioners, and most emphatically, they have demonstrated that they do not care about the workers of the country.

Mr. Speaker, my friend, the Member for Tunapuna, made it appear as though we on this side have not been keeping our mandate to promote social, economic

and people-oriented development. I ask: Which government has introduced a national minimum wage of \$7.00 an hour to protect low-skilled, non-skilled, low paid workers in this country? *[Desk thumping]* I ask: Which government has introduced legislation to protect the safety and health of workers even though they voted against it? *[Desk thumping]* Which government has increased pensions consistently over the past four years? *[Desk thumping]* Which government has reduced the unemployment rate? *[Desk thumping]* Which government has been given full marks and the highest rating by respected international bodies for the way it has managed the finances of this country? *[Desk thumping]* Mr. Speaker, which government did not burden the citizens of this country with an increase in taxation for four years? *[Desk thumping]* Which government is introducing legislation to protect children as we enter the new millennium? *[Desk thumping]* The answers to these questions are well known. It is we on this side who did it. We did all this and we have done more in the space of four years, and that is a record.

**Mr. Valley:** And you will be voted out.

**Hon. H. Partap:** It is a record which you could never meet and you never would. *[Desk thumping]* This is a Government of action, people can see that! We will continue to deliver to the people of Trinidad and Tobago despite the PNM, and despite all the pseudo-political prophets of gloom and doom in this country. We will continue to deliver and we will be here after the next year to also continue. *[Desk thumping]*

Mr. Speaker, I see nothing dangerous in this Bill. You know, left to those opposite, our children will continue to suffer neglect and abuse. In this Bill, we want to discourage children from begging alms—we want to discourage that—but my friend, the Member for Tunapuna, I am sorry, but that is what he is trying to encourage, begging on the streets. We want to take children off the streets. He wants to keep them there. *[Interruption]*

The roads are good in Nariva, compared to 1995 when I went there.

The Children's Authority Bill will give the authority the power to receive and temporarily assume parental rights and obligations with respect to any child brought to its attention and in need of care and protection; that is the underlying philosophy of the Bill. That power vested in the authority will not be arbitrary and it will not be unchallenged.

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**2.50 p.m.**

Mr. Speaker, clause 22 in Part III of the Bill points to the specific conditions under which the authority can receive children for its care and protection.

Clause 22(1) outlines nine conditions and I would just repeat them for your benefit.

“22(1) Where it appears to the Authority that a child—

- (a) has neither parent nor guardian who is fit to exercise care and guardianship;
- (b) is lost or has been and remains abandoned by his parents or guardians;
- (c) whose parents or guardian are prevented by—
  - (i) reason of mental or bodily disease;
  - (ii) infirmity or other incapacity; or
  - (iii) any circumstances,
 from providing for his up-bringing, and there is no available person or persons capable, fit or willing to undertake the care of such child;
- (d) is exposed to moral danger;
- (e) is beyond the control of his parents or guardians;
- (f) is ill-treated or neglected in a manner likely to cause him suffering or injury to health;
- (g) is destitute, or is wandering without any settled place of abode and without visible means of subsistence; or
- (h) is begging or receiving alms; or
- (i) is found loitering for the purpose of begging or receiving alms, and that the intervention of the Authority is necessary in the best interests of the child, it shall investigate the matter and it shall be lawful where appropriate for the Authority to receive the child, into its care.”

What is dangerous about that? Are you saying it is dangerous because we are offering help to these children? Some of you there should not be talking, you know.

Mr. Speaker, clause 22(2) states:

“(2) A police officer or any other person having reasonable grounds for believing that a child is in need of care or protection may seek the assistance of the Authority for care or protection of such child.”

Mr. Speaker, this afternoon I want to commend and put on the record of this Parliament, the efforts of the community police for the yeoman service they are performing in communities across the country. I can speak specifically—and my friend, the Member for Toco/Manzanilla will support me I am sure—about the community police in the North/Eastern districts of Sangre Grande, Cumuto, Tamana, Coalmine and so forth.

I am aware of officers in the community police unit at Sangre Grande going the extra mile in dealing in a humane way with the cases of abandoned children. I am certain that my friend, the Member for Toco/Manzanilla would remember that Boxing Day morning in 1997 when he came to the “rescue”—and I put it in inverted commas—of five abandoned children in a house at Nestor Village in Guaico. I commend my friend from Toco/Manzanilla, who will remember that while his response was to bring in the media, the Member for Nariva chose instead to bring food and quickly mobilize a team with the assistance of the community police to find alternative care and protection for the children whose ages ranged from 1—9 years at the time.

If this Bill were law then in December 1997, we could have invoked Part IV clause 34(1) to seek the assistance of the authority in responding to this emergency. This could be the reason, perhaps, why the Member for Toco/Manzanilla had to turn to the media, because the PNM had nothing in place so we could turn to in cases of emergency to assist poor children.

It is a sad reflection on the party of which my friend the Member for Toco/Manzanilla is a Member; a party which has been in office for 34 years, which failed to provide him with the necessary tools to deal with a situation involving children, that he felt the only place he could turn to was the media. Or, was it that he was looking for some cheap publicity at the expense of these unfortunate children?

**Mr. Boynes:** Just to clarify. In whose constituency did that incident with the five abandoned children take place?

**Hon. H. Partap:** Maybe that is the reason you brought the media, to help the children, because you knew it was the Member for Nariva's constituency. That

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was the reason you brought the media and did not bring food and clothes to take care of the children.

Mr. Speaker, be that as it may, if this Bill was there, perhaps he was not going to raise this. This Bill before us provides a mechanism to deal with such unfortunate situations. Of course, it will also provide the representative, the Member for Toco/Manzanilla, with the tool which he lacked in November 1997 when he ran to the media and panicked.

I am happy to tell you that in the case of those five abandoned children, the Member for Nariva mobilized the Nariva Social Action Committee comprising of young volunteers who offer help to the needy throughout Nariva who provided food and clothes for the children.

Mr. Speaker, this committee of volunteers, assisted by the community police were able to have the children cared for by a relative. I want to put on record the work done by one of these volunteers, a young man by the name of Nehru Rattan of Guaico Tamana, who dipped his hand deeply into his pocket to ensure that the committee could have done its work effectively, because the PNM did not leave any system in place to take care of these children.

I also thank the Social and Community Development Minister, my friend, Hon. Manohar Ramsaran, and the Sangre Grande division of the Social Welfare Department for providing financial assistance to the children. Today, two years later, one of the abandoned children, a girl has passed the Common Entrance Examination and is attending a secondary school in Sangre Grande. The other four are performing well at a primary school in the district.

I am sure there are other incidents like these where community action saved abandoned children and nursed them back to physical and psychological health where they can hold their own in society. Incidents such as these make it imperative that we put aside our political hats and join forces to support this Bill by registering a first for the children of our blessed country. [*Desk thumping*]

Mr. Speaker, two days ago on one of the call-in programmes, a caller made a very significant point, and if I am to paraphrase him correctly, he was saying that while much has been said about protecting children, more should be done to provide parents with the social support for them to take care of their children. That is what he was saying, if I am to paraphrase it correctly. I cannot agree with him more. I hope, however, that he did not mean like my friend, the Member for Tunapuna, that parents should simply abandon their children because their income

is small or they are financially poor. I hope he does not mean that. Parents must shoulder their responsibilities.

Mr. Speaker, I grew up in a single-mother home, but I did not develop deviant behaviour, nor did I turn out to be a criminal. Instead, I grew up with discipline, order, and respect with the ambition to rise above the grip of poverty and I am eternally grateful to my dearly departed mother. May God rest her soul.

Mr. Speaker, Government has been putting the structures in place to give families a fighting chance to make ends meet. We have introduced the minimum wage of \$7.00 an hour. We expect that employers will pay the minimum wage to low-skilled, non-skilled and low-paid employees in their employment and this provision covers workers who are not covered by personal or union negotiated collective agreements. We are talking about 70 per cent of the working population which includes clerks, shop assistants, domestic workers, agricultural workers, handymen, cashiers. Most of these workers are women who look after one-parent households. We are trying to reach out to these people. The aim was to provide low-skilled, non-skilled, low-paid workers with a living wage with which they can support their children and we are doing that now. Very soon an amendment will come to the Minimum Wages Act in this House.

Mr. Speaker, the Maternity Protection Benefits Act which was passed in 1998 was also designed to protect mothers in employment by protecting women workers who are mothers; the law was indirectly assisting their children. The increase in Old Age Pension and the drastic drop in unemployment were indicators of a Government with children and young people in mind.

The International Labour Organization (ILO) has on its agenda the epidemic of child labour in the world, across the region and across the world. This Government, through the tripartite representation at the International Labour Organization Convention in Geneva in 1998 and 1999 has been active in the preparation of the convention and recommendation on child labour which was passed last June. The convention calls for the prohibition and elimination of the worst forms of child labour in the world.

Mr. Speaker, they were on 44 tripartite committees and the Ministry of Labour and Co-operatives is examining the convention and recommendation and will soon make a recommendation to Cabinet. The instrument for ratification of the convention and recommendation concerning minimum age for admission to employment 1993 was also submitted to the ILO for ratification which is on hold until Government concludes discussion on an agreed minimum age for admission to employment.

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Mr. Speaker, the ratification of that convention will, in a sense, be one of the main steps in that whole convention to abolish and remove child labour from the world or wherever it is practised. At the Ministry of Labour and Co-operatives, we intend to work diligently and urgently to remove all the obstacles to the ratification of this convention.

Despite the disparaging manner in which the hon. Member for Diego Martin East speaks of attendance at the ILO Conference, this is a major discussion platform for labour standards in the world of work.

**3.05 p.m.**

Mr. Speaker, the honourable Member's comments on the International Labour Organization meeting made during the debate on the Occupational, Safety and Health Bill is, indeed, a sad commentary on the Manning's administration, Minister of Labour and Co-operatives and on the Member's ignorance of the role of the International Labour Organization and its increasing influence on world trade through its standards. [*Desk thumping*]

I would say, this is further evidence of the Member's ignorance of the significant role of the International Labour Organization, in playing its part in putting the human face back into development. If the Member did not know, we take our work seriously at these conferences—very seriously.

Mr. Speaker, the Children's Authority Bill 1999, is a piece of social legislation that is essential and necessary as we enter the new millennium. I must note, that while we remain committed to having our children grow and nurtured by their biological parents, we know that there are many occasions when some parents betray their offspring. This legislation is necessary to ensure that those children who need the protection and care will have access to it.

Mr. Speaker, as I conclude my comments on this Bill, let me congratulate the hon. Attorney General and the hon. Minister of Social and Community Development for the foresight, wisdom and concern in bringing this piece of legislation to Parliament. I encourage my friends opposite to support this Bill because they may have additional reasons to explain to the people of this country, why the PNM failed to support yet another social conscience piece of legislation. Do not put yourself in that position again. The PNM's anti-worker stand on the previous occasion had forced them into a web of defensive media statements, which bear absolutely no resemblance to what took place in this House a couple of weeks ago. I urge them to support this piece of legislation. It is very important

and they should support it. I lend my support as I encourage my friends to do the same and I thank you, Sir. *[Desk thumping]*

**Mr. Eric Williams** (*Port of Spain South*): Mr. Speaker, thank you for recognizing me and for allowing me to contribute a few words to this debate before us on the Children's Authority Bill. Certainly, before I go into the body of my presentation, I want to comment a little on Harry's "tabanca" which we just heard coming from the other side. *[Laughter]*.

**Mr. Speaker:** The honourable Member's name is Harry Partap and in this House, if a Member refers to him as Harry's "tabanca" that is not acceptable. If you think about it you can see that it is unacceptable.

**Mr. E. Williams:** Mr. Speaker, thank you for your guidance. However, we heard a few moments ago, comments from the other side on the PNM and its lack of social conscience and how it did not support various matters. First of all, there is a Member on that side who is exhibiting ingratitude because that Member relied upon the Member of Toco/Manzanilla to alert him to the fact that children in his constituency were experiencing some problems—the Member did not know. The first time the Member heard about it was when he saw it in the media. Can you imagine the Member was talking about the community police? It is indeed, the Member for Toco/Manzanilla who brought it to the attention—I am reliably informed—of the community police of the Eastern Division—and by the way, not the North Eastern Division—and also solicited donations from businessmen of Sangre Grande. Could you imagine? The Member comes here to talk about all of these matters as if he is Santa Claus.

Mr. Speaker, I believe that Member has—as in the local parlance—an unfortunate memory of a recent Bill which came to this House. It failed because it was not brought properly. It appears to us on this side that they did not want to pass that legislation, even though we implored them to make certain changes. So here we are today, faced with another piece of legislation which requires a special majority, a three-fifths majority, and Members on the other side have been saying, "You must support it, you must support it because it is children's right". Again, they have brought legislation before this House which is defective and we will show its defects over the course of the debate on this particular Bill. *[Desk thumping]*

My colleague, the Member for Tunapuna has pointed out several glaring issues and still they expect that we will vote for the Bill. Let me say that out of an abundance of caution—before they begin to attempt to spin their web in the

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media—the People's National Movement is in favour of legislation protecting the rights of children. [*Desk thumping*]. We did not as a political party, collectively, bring this nation out of colonialism to see us head backwards. We are interested in moving forward. What the People's National Movement has a problem with is defective legislation brought to this House with the draconian measures, the equivalent of which would be a sledgehammer meant to go after a fly. [*Desk thumping*] This is not to trivialize the situation that some of our children find themselves in but merely to make an analogy.

Mr. Speaker, today, in my short contribution, I would like to point out a few areas in which Members on this side have some problems. Again, I want to reiterate the call of my colleague, the Member for Tunapuna, that there ought to be a bit more dialogue that should have taken place before this legislation came to this honourable House. Now that it has indeed come to the House, one way of curing that condition is to take it to a joint select or select committee of this House.

Mr. Speaker, the Member for Nariva went on to say that the People's National Movement was in power for 37 years and never brought any legislation for children. Let me point out to this honourable House that last Friday, in a statement by the hon. Attorney General and Minister of Legal Affairs, the Member pointed out, among other things, that Trinidad and Tobago is party to quite a number of human rights type conventions of the United Nations. Indeed, the Minister went on to point out that in his package was social legislation that was coming before the House—and, indeed, he pointed out eight pieces of legislation—the Children's Authority Bill was one of those pieces of legislation.

### **3.15 p.m.**

Mr. Speaker, these pieces of legislation are meant to bring Trinidad and Tobago into full compliance with the Convention on the Rights of the Child. Trinidad and Tobago acceded to that Convention in December of 1991 and, therefore, to say that no PNM Government before has ever come with legislation of this type is to be rather less than entirely honest, because what we are doing now is seeking to unify the existing legislation. We are seeking to cure certain ills, which are observed in the current legislation. In fact, to use their own words in the Explanatory Note, Mr. Speaker, it says:

“This Bill seeks to establish an Authority to fill the *lacuna* that exists in the law relating to children...”

It is not that there was not law there. We are seeking to cure an ill. So, Mr. Speaker, this legislation, as I pointed out, and all of the others, have to do with that. All we are doing is bringing ourselves into compliance with the Convention on the Rights of the Child.

Members of this House found it very interesting to notice that the hon. Member for Couva South and Attorney General rediscovered his human rights roots last week. This is because in this House we have had serious discussions about how we have removed ourselves from several Conventions that were associated with human rights. Indeed, we have a situation where, and the nation is well aware of it, our current Attorney General was Mr. Human Rights himself, prior to coming in this particular incarnation. He was the man who was most against the hanging of individuals.

By the way, to continue with what the Member for Nariva pointed out about persons on the street, it is also that individual, when he was in private practice, who established that it was against the human rights of the individuals on the street to move them off the street. [*Desk thumping*] He forgot, and he was a journalist. Maybe he did not write on that one but I imagine he could have read about it. I am not certain if he did. Indeed, Mr. Speaker, the legislation before us has been brought in such a manner that the only true *lacuna* that really exists—and a *lacuna* means a gap, lest we think this might be unparliamentary—with this legislation is the lack of information that this Government has provided to the nation and to this Parliament.

This afternoon, Mr. Speaker, we will seek to bring some issues to the Table to show that, indeed, there should have been and there ought to be much more dialogue proceeding in this nation. In fact, in the introduction to the Third and Fourth Periodic Report of the Republic of Trinidad and Tobago, presented again by the Ministry of the Attorney General and Legal Affairs, in its penultimate paragraph, the first sentence says:

“It is however of little use to proclaim principles of human rights protection at the international level unless they can be meaningfully realized and enforced domestically.”

He goes on in the final paragraph to say:

“In publishing this report and giving it wide domestic distribution, we hope to enhance public awareness of human rights protection...”

and so forth, talking about feedback being required. Well, today we will continue the process of feedback on this particular human rights issue.

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If one were to look up one of the web pages on the Convention on the Rights of the Child, of the several major achievements in the area of child rights, one of them is:

“Wholesale legislative reform in favour of child rights often has been the outcome of the mandatory comprehensive review of national legislation under the Convention’s reporting process.”

What is that Convention’s reporting process, Mr. Speaker? Do you know? I think we will talk about that a little later.

“Also as a result of this process, States have acquired new impetus to achieving child survival and development goals.”

In other words, there is a process that is being alluded to in this document and I am not aware of any definite process or procedure to inform myself or other Members of this House or indeed you, Mr. Speaker, on the rights of the child. I know that this year we celebrated the decade, the tenth year, of the declaration and we have seen quite a number of nice articles in the newspapers about it. However, in the process that took place to get there, and that we as a nation are required to proceed along, I do not know.

So imagine my surprise, and it is confirmed by the Member for Couva South, to hear that all the pieces of legislation have to do with this particular convention. I wondered why we did not bring all of them as one particular piece of legislation. Well it turns out, Mr. Speaker, that, as part of the process, the Government of Trinidad and Tobago, shortly after we acceded in 1991—in the early part of 1992 or 1993 thereabouts—along with one of the United Nations bodies, commissioned a study of all of the laws of Trinidad and Tobago seeking to determine whether or not Trinidad and Tobago was indeed in compliance with the Convention on the Rights of the Child. Indeed, Mr. Speaker, it was found that by and large as a nation we are compliant. However, there are some holes, some gaps, indeed, *lacunae* of sorts, exist.

What were the pieces of legislation that were recommended for either amendment or to be repealed? I want to list them, Mr. Speaker, because, you see, this has not come to us before. The Children Act, Chap. 46:01. In this Act it says:

“The age of a child be that of 18 years and under.”

It refers to Article 1 of the Convention on the Rights of the Child. Article 1 says:

“For the purposes of the present Convention, a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.”

That is the reason that, in this legislation, we are now redefining a child as 18 years. Mr. Speaker, I am hearing mumbling from across the ways, sounding quite similar to that of the Member for Chaguanas, asking why I did not tell my colleague from Tunapuna. Part of the point that we will make here today is that it is the responsibility of this Government, and indeed it is the Minister who is in charge of that, to have brought it to the attention of this honourable House and he failed to do so [*Desk thumping*] miserably.

It says that we need to do something about the principle of the best interest of the child from Article 3. Mr. Speaker, we need to amend the Adoption of Children Act. This is why we now have, as part of the package that was laid in this House, an Act to do this. The point is, they did not tell us why they are doing what they are doing but they expect us to go giddily and merrily along with them. There should be amendment to the Summary Offences Act, the Young Offenders Detention Act and the Defence Act. Yes, it is there. All I am putting on the record of this House, Mr. Speaker, is where this is coming from, the genesis of it.

There should be amendment to the Children and Young Person (Harmful Publication) Act. I did not see that in your package, however. It was recommended that you change that Act. The Corporal Punishment (Offenders not over Sixteen) Act; that is in there. The Corporal Punishment (Offenders over Sixteen) Act, that is in there. The Muslim Marriage and Divorce Act, I did not see that one. The Marriage Act, I do not believe I saw that one. The Hindu Marriage Act, I have not seen that one, Mr. Speaker, and we will talk a little more about those. Births and Deaths Registration Act, I have not seen anything on that. Public Health (Nursery Schools and Primary Schools) Immunization Act, I have not seen anything on that. Factories Ordinance—well, we made a hash of that one, did we not, Member for Nariva? Indeed, we will show, and I will quote it later on, just how defective your Act was when compared to what is mandated by the Rights of the Child. I am coming to that one.

Ombudsman Act, I have not seen anything come on that one, Mr. Speaker, but we care about the children. You see the Ombudsman Act says that we need to revise:

“...the Act to provide for a Children's Ombudsman to regulate and protect the rights of children where infringed by a public body.”

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I have not seen that one. Well, we have seen the one coming to amend the Children's Homes Act. In other words, Mr. Speaker, what we have before us is the culmination of what ought to have been a process but the process seems to have been interrupted somewhere between genesis and culmination. So, now that we have come to the conclusion, which is legislation, we do not understand the process and, as responsible legislators and indeed the public, that is required.

So what is the process? What should we have done? Well, it turns out that the first part of the process was, after having acceded to the Convention on the Rights of the Child, this country laid an initial country report. We sent it to what is now a Committee on the Rights of the Child based in Geneva. That report, I am advised, was sent in the mid- to early 1990s. Based on that report, we were then required to send officials before the Committee on the Rights of the Child to defend it and certainly to be interviewed.

I want to put on record, Mr. Speaker, the fact that this country sent the then Permanent Secretary in the Ministry of Social Development, Mrs. Jennifer Sampson and I believe a Mrs. Camps of the office of the Attorney General—that is what I have—to Geneva to present the country's initial report, to defend it and to be interviewed. If one were to pull up, again on the Internet, Mr. Speaker, the web page that gives the equivalent of *Hansard*, the notes of those meetings which took place over two to two-and-a-half days, it appears that our officials were severely grilled by the commission. It makes very interesting reading, Mr. Speaker, and I would urge Members to pull up the UNICEF page on web sites on their PCs.

### **3.30 p.m.**

It appears that Mrs. Sampson bore the brunt of the investigation. It appears that she was the more senior of the two persons there and, apparently, the more knowledgeable—it would appear from reading the whole thing—but they went as a team.

In going to that meeting, we presented a document: Application and Challenges of Implementing the Conventions on the Rights of the Child in Trinidad and Tobago. It was presented, I understand, by Mrs. Sampson.

**Dr. Griffith:** The lady is not Mrs. Sampson; she is Miss Sampson.

**Mr. E. Williams:** Miss Sampson. Again, I am advised that Miss Sampson, not Mrs. Sampson, is no longer at the Ministry of Community and Social Development; she has now been consigned, for all her hard work.

**Dr. Rowley:** What did she do to deserve that?

**Mr. E. Williams:** I do not know what she did to deserve being consigned to assisting the Member for Arima, but that is where she is now, at the Ministry of Training and Distance Learning.

**Dr. Rowley:** What wickedness!

**Mr. E. Williams:** I quote from the document, some of the legal issues. This meeting was held on October 2 and 3, 1997.

“As a first step to addressing legal issues, the National Family Services Division of the Ministry of Social Development in collaboration with UNICEF commissioned a compilation and codification of the child and family laws of Trinidad and Tobago.”

—to which we just alluded. In other words, we did that for a reason.

“This report which was completed in February 1992, provided an in-depth analysis of the articles of the convention and how they impacted on national legislation such as the Children Act, the Family Law Act...”

and so forth.

He came here talking about how the PNM did nothing. This was in 1992. We went on, Mr. Speaker, as a nation, under policy issues, to say—but before I go too far, under the Children Act, it says:

“As a follow-up to the above, the Ministry has played an active role in respect of pressing for amendments to the Children Act. Some measure of success has been achieved. The Children (Amendment) Act 1994 provides a legal framework for addressing children at risk in circumstances not previously provided for.”

Who was in government in 1994? Were you not in the Cabinet at that time, Member for Diego Martin West?

**Dr. Rowley:** He was at the *Express* writing some sub-standard articles.

**Mr. E. Williams:** Mr. Speaker, among other things, following up on the work of 1994:

“Further amendments are currently being considered which seek to *inter alia*:

- (i) make better provisions for the rights and incidents of parenthood and guardianship and for parental responsibility;

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- (ii) make provision for the making of certain orders with respect to children in 'family proceedings' which term now refers to proceedings under this Act and the Domestic Violence Act, 1991, the Matrimonial Proceedings and Property Act and the Adoption Act, all of which would have been dealt with in the Family Court;"

Among other things in this document is a Family Court Bill.

This work has been in gestation for some time now. It has come to this honourable House and Members on the other side would have us believe that it is only since happenstance of being in those seats across there that all of a sudden a light—they believe this thing about their party symbol, Mr. Speaker.

**Mr. Bereaux:** A blue light!

**Mr. Sudama:** Make some sense.

**Mr. E. Williams:** All of a sudden, this has come to the fore.

Mr. Speaker, I am advised under the programmes that we said we were going to do as a nation, that we have a National Plan of Action which was completed in 1992 and revised in 1993, and that we were going to do certain things. But, the Minister did not tell us that the contract of the person who was employed as the Director, or the person overseeing that plan, expired last year and that place has not been filled. Yet still, we are moving ahead as if life goes on. He has his colleague from Nariva—I am sure he did not tell him all of this either. He did not tell us and he did not tell him before he embarrassed himself.

What were the challenges we faced as a nation? Legislation—there are three different situations in terms of the legislation which I want to quote from this document.

"The legal reform process is a lengthy one and thus amendment of Acts deemed to require revision can take a number of years. Current initiatives particularly in relation to the Children Act and the Family Court however provide some hope. The multi-cultural character of the society can also work against the reform process."

That is an interesting statement. That is interesting.

"Reference is made here particularly to those laws relating to the minimum permissible age for marriage. In Trinidad and Tobago, the minimum age for marriage is governed by both statutory law and the common law. Three different situations apply as follows:

- under the Hindu Marriage Act, Chapter 45:03, a girl may marry at age 14 and a boy at 18;
- under the Muslim Marriage and Divorce Act, Chapter 45:02, a girl may marry at age 12 and a boy at 16;
- under the common law, the ages are 12 for a girl and 14 for a boy.

Parental consent is required for all marriages of minors except in respect of a Hindu girl who has attained the age of 16 years. As a result of this situation, several attempts were made to arrive at a single minimum age for marriage including a national consultation workshop.”

Did you know about that?

“To date, a position of consensus has yet to be articulated on this issue. The Government of Trinidad and Tobago is of the view that the fullest participation of all sectors of the society should be facilitated to ensure that national policy and the enactment of the relevant legislation is in keeping with the views of the populace.”

That was very nicely put.

In fact, I came across the *Hansard* of the hon. Member for Siparia in the other House when she went to pilot the Orisa Marriage Act. I quote from the *Hansard* of August 10, 1999 during the time period 2.00 - 2.10 p.m.

“One of the areas that the Task Force is looking at is the question of age.”

Out of an abundance of caution, there is a task force, Mr. Speaker.

“The age at which a person can enter a marriage, at the moment, differs depending on which piece of legislation we are looking at.”

And it goes on to talk a bit more about those and to point out that we enacted the Orisa Marriage Act, where we proposed and put into law, 16 years of age.

But this is instructive. It goes on:

“Contrary to the view by some that the Registrar General's Department of the Ministry of Legal Affairs has a fixed agenda to create one Act, we have no such agenda at all. What we have been doing is holding consultations...”

—same consultations—

“...in order to get the widest range of views. So far, by public notice, we have advertised that all Hindu, Muslim and Civil Marriage officers, superintendents

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and registrars of marriages are all invited to consultations at various venues: in Tobago, Port of Spain and San Fernando...Many views were put forward and other suggestions and recommendations came up that we had not considered. We will be looking at those again.”

I know that the Member is now in another place so she may not be able to look at them, but I understand that as a result of those consultations, the Member was put under some pressure by those who consider that they may be able to assist her political party's aspirations and who may have a vested interest in some of these Acts remaining in place.

#### FELICITATIONS

**The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I must thank the hon. Member for Port of Spain South for giving way.

Before I move the Adjournment of the House, may I, on behalf of the Government, extend to His Excellency the President and Mrs. Robinson and their families, good health, peace and happiness during the Christmas holidays and throughout the next year.

Mr. Speaker, we do that—I think I can say that this is one occasion I can speak on behalf of both sides of the House in extending to their Excellencies these greetings.

May I also, on our behalf, extend to you, Mr. Speaker and to your wife and family, peace, blessedness for the Christmas season and a bright and prosperous New Year.

The Government would like to wish the Leader of the Opposition and the Members of the Opposition and their wives and families, health, happiness, peace, joy, a Merry Christmas and a bright and prosperous New Year.

We extend the same greetings and best wishes to the Clerks of both Houses of Parliament and to the staff of the Parliament, to the Members of the police service and the security services, to the members of the media and to the members of the public who all play a very important role in the Parliament.

I would not move the Adjournment of the House because I would want to give the Opposition Chief Whip an opportunity to make his greetings, also.

**Mr. Kenneth Valley** (*Diego Martin Central*): Mr. Speaker, we on this side—and the Leader of the House is correct in saying that this is one and perhaps the

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only opportunity on which the Leader of the House is permitted to speak on behalf of the Opposition, because we, too, would like to send greetings to His Excellency and Mrs. Robinson to wish them good health, a Merry Christmas and a bright and prosperous 2000.

Mr. Speaker, this is the last occasion, I think, that we would have the opportunity of wishing Christmas greetings to Members of the other side as a Government. [*Laughter*] [*Desk thumping*] Moreover, this is also the last opportunity that we would be meeting as a Parliament to give Christmas greetings to a number of persons on the other side. [*Interruption*] No, next year we might have the pleasure of wishing some of you a Merry Christmas, also; but, obviously, not all of you.

**Mr. Panday:** Why? Are you leaving us? [*Laughter*]

**Mr. K. Valley:** So that, Mr. Speaker, I wish every Member of the Government on the other side, a special Merry Christmas, especially the hon. Prime Minister, since I do consider myself to be extremely fortunate to do so because I think it is the last opportunity we are going to have—

**Mr. Panday:** Where are you going?

**Mr. K. Valley:**—to be able to wish the Member for Couva North, Christmas greetings in his capacity as Prime Minister. [*Desk thumping*]

**3.45 p.m.**

Mr. Speaker, if things run as they ought to, it would also be the last opportunity we would have to wish you, as Speaker, [*Laughter*] compliments of the season. More than that, if the rumours are correct we would have to come to another place to wish you Season Greetings on the next opportunity. But we do wish you and your family all the best for the season and wherever you are, in any part of 2000, we wish you all the best.

Our greetings go out also, of course, to the Clerk of the House and her staff. [*Interruption*]

**Mr. Panday:** Is she here for the last time as well?

**Mr. K. Valley:** She is not. Mr. Speaker, you know how I feel, personally, of the staff of the Parliament. Having worked in different organizations, I think we can all say that the level of efficiency and effectiveness of the parliamentary staff is unquestionable. [*Desk thumping*]

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**Mr. Manning:** I am going to buy a little jet plane for the Prime Minister.

**Mr. K. Valley:** Our greetings go out, of course, to the media who are here without fail whenever the Parliament sits. So far you would note that they are without clothes clips on their lips. We want to thank them for the work that they do because they sit through some proceedings from time to time and they report fairly and faithfully. Our greetings go out to members of the media.

Mr. Speaker, I think special greetings ought to go out to the Member for Oropouche, especially in his new ministry. I do wish him all the best in agriculture and moreso as an Independent candidate in 2000. [*Laughter*]

Mr. Speaker, the work of the Parliament really cannot be effective without the officers. At every parliamentary sitting, there are officers in the Parliament; sometimes from the finance or other departments, generally from the legal department. I want to let the officers of the Government know that we appreciate what they do. Sometimes, yes, our job is to beat your minister. He has to take responsibility. We want to thank you for your work and greetings for the season go out to you and your families and we do wish you a bright and prosperous 2000.

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

**Miss Pamela Nicholson (Tobago West):** Mr. Speaker, on behalf of the independent voice of Trinidad and Tobago and the new party that will be coming into fruition soon, [*Desk thumping*] I wish the leaders of our country: the President and his family, the Prime Minister and his family and the Government side and you, the Speaker, a very special, peaceful and happy Christmas and a progressive and meaningful year 2000.

For the media, we enjoy them because without the media the independent voice would not have been heard in the way that it has been heard. We wish the media a very exciting and open-minded—come back very aggressive in 2000. Do not allow your voices to be locked.

For the Members on this side, I must say that I enjoy working with you. I wish you: the Leader of the Opposition and your family and the rest of all the Opposition Members and your families the best Christmas that you ever had before and a very exciting, aggressive and, I hope, successful year 2000. [*Desk thumping*]

Mr. Speaker, I cannot sit without doing same: extending my courtesies also to the Clerk of the House and her parliamentary staff for the beautiful job that they

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have been doing. I always have good communication with them. I wish them the best for the season and also a very co-operative and very progressive year 2000.

Thank you, very much. [*Desk thumping*]

**Mr. Speaker:** Hon. Members, I am sure that you will want me to convey to His Excellency the President, and Her Excellency the good wishes and the felicitations of the entire House. I would want to be associated with the good things that have been wished to both of them.

For my part, I have heard everything that has been said with respect to the Office of the Speaker and the holder of that office. Those things that have been said that are good, I accept. I make no comment concerning the other things that have been said.

Suffice it to say, I am grateful to both sides of the House for any good wishes which have been expressed in my direction and that of my family. I could only say, as some wise man said: “The Lord gives, and the Lord takes away.”

Hon. Members it is for me to genuinely and honestly wish every single Member of this House good health, happiness, peace, plenty love and harmony; [*Interruption*] peace, plenty love—

**Mr. Bereaux:** and harmony. [*Laughter*]

**Mr. Speaker:** and harmony.

It is quite obvious that the spirit of Christmas and joviality has entered this Chamber today. Perhaps that is a good thing. I join in expressing very good wishes and thoughts.

To all of those who are associated, in any way, with the Parliament: to the press, the security forces, the police, the public, those who come here on a more regular basis than some of us, all the supporting staff, the staff of Parliament, that very often goes unnoticed and unsung; without—sometimes even the Parliamentarians themselves not fully understanding how much work goes on behind the scenes. It is often that I have to say to people that the easy part of this job is in the Chamber.

Hon. Members, you have my honest and genuine best wishes for the Holy Season and for the New Year. I am almost tempted to say that I wish you all as much happiness as you deserve. [*Laughter*]

**Mr. Panday:** Some people would get nothing.

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**Mr. Manning:** Job will get none.

**Mr. Speaker:** The Clerk of the House will be instructed to prepare the necessary letter for His Excellency, the President, and Her Excellency. I thank you all for not having made the life of the Speaker in the last year, completely unbearable.

Thank you. [*Desk thumping*]

**3.55p.m.**

**EQUAL OPPORTUNITY BILL  
(WITHDRAWAL)**

**The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I mentioned to the Opposition Chief Whip that the Equal Opportunity Bill, when it was introduced at the beginning of the session, by error, it was the unamended Bill. So I seek leave of the House to withdraw the Equal Opportunity Bill, 1999 and to present in its place the Equal Opportunity (No. 2) Bill, 1999—which is now being circulated to all hon. Members—in accordance with established procedure. This is necessary in order to effect substantial alterations of the text before the Second Reading.

**Mr. Speaker:** I take it that it is the will of the House that the Bill which was circulated should be withdrawn and replaced by the other.

*Assent indicated.*

**ADJOURNMENT**

**The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I beg to move that this House now stand adjourned to a date to be fixed.

There are two motions on the adjournment. One of the motions, to which the Minister of Education has to respond, by agreement, that motion would go to the next sitting of the Parliament. Then, there is another motion to which the Minister of National Security has to respond, we can do that now.

**Special Reserve Police  
(Lack of Promotional Opportunity)**

**Mr. Edward Hart (Tunapuna):** Mr. Speaker, I rise to raise a matter on the motion on the adjournment of the House which reads: “The lack of promotional opportunity for special reserve police officers”.

It is no secret that throughout the years the special reserve police (SRP) have served this country faithfully. They have been involved in most or all of the activities like the regular police. They are in roadblocks, they are on raids, they are here, there and everywhere. Mr. Speaker, some of these special reserve policemen have been there for 10, 15 and 20 years, only to find retired policemen being given jobs over their heads. They have been complaining bitterly about that. They are also saying that the senior officers in the division are bypassed and, apparently, there is no way to go up.

Also, the special reserve policewomen feel that they are being discriminated against because none has been promoted after 15 years. Promises have been made but nothing has been done. These special reserve police are saying that the situation could escalate into open confrontation—*[Interruption]* this is what they are saying—disrespect, or even sabotage.

Mr. Speaker, we would like these special reserve police to be promoted as they are entitled to. Some of them have been taking the regular police exams, facing interviews, and still not being promoted.

Now, more than ever, we need the services of the special reserve police. There is a lot of lawlessness taking place. Today, I looked at one of the daily newspapers and the entire page was about shooting, because there are many illegal arms out there. We would like to know if the police, together with the special reserve police—and I see there are joint army/police patrols now—could serve us in good stead without feeling demotivated and depressed, as the case may be.

Through you, Mr. Speaker, I am asking the Minister of National Security to see what could be done on behalf of these hardworking special reserve police and, if the mechanism could be put in place so that they could get the promotion that they so rightly deserve?

I thank you very much.

**The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore):** Mr. Speaker, after being privileged to be in this honourable House this afternoon to hear the generous exchange of greetings, it feels almost like an imposition for me to speak at this time.

Mr. Speaker, in addressing the issue of the lack of promotional opportunities for special reserve police, I intend to deal briefly with the history of the special reserve police and then take a look at the structure of the special reserve police;

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the number presently on strength; training and promotion; regularization of special service police; and terms and conditions of special reserve police.

**Mr. Imbert:** All of that?

**Sen. Brig. The Hon. J. Theodore:** It is necessary, Mr. Speaker, for all of that, because it is important that we all understand the nature of the special reserve police and how they operate. I trust that after this, the hon. Member for Tunapuna will understand fully the role and functions of the SRP and how they administer it. One simply cannot say, promote these people, and it happens as a matter of course.

The history of the special reserve police, Mr. Speaker. The Special Reserve Police Unit, which was established in 1946 by the Special Reserve Police Act, Chap. 15:03, is an auxiliary policing resource to supplement the regular service. In accordance with the Special Reserve Police Act, members of the unit are to be called out by the Commissioner of Police, Deputy Commissioner of Police and any other first division officer:

1. In cases of external aggression or special disturbance, actual or threatened; and
2. Whenever additional police may be required for the preservation of good order, the protection of persons or property, or the performance of any duty exercisable by members of the police service.

Mr. Speaker, the increasing demands for manpower in the Trinidad and Tobago Police Service, without corresponding increases in the sanctioned strength—and I can say this has occurred over a number of years—has caused the seasonal nature of the employment of special reserve police officers to become somewhat permanent in nature. The Commissioner of Police has therefore been unable to dispense with the services of SRPs called out to fill supposedly temporary vacancies. As a result of the method of administration and operation of the special reserve police officers, there is a widely held misconception that special reserve police officers are entitled to be regularized by being absorbed into the police service. As a matter of fact, many persons employed as SRPs have other jobs and are called out for short periods with the approval of their employers. Special reserve police was never intended to supply regular, full-time employment for those who were employed as such.

Mr. Speaker, the Special Reserve Police Act does not specify a sanctioned strength for the unit and, as such, it does not have a fixed establishment. I am

sure, as all Members know, the establishment of a unit determines the ranks and, as a result, vacancies are filled through promotion. So I admit to the hon. Member that there is a problem.

The current strength of SRP is approximately 1,209 officers. It should be noted, however, that the SRP is generally classified into two categories, disaggregated as follows: temporary whole time—833; and part-time—376. As an example of temporary whole time, there are the officers who work here in Parliament.

The present SRP establishment comprises 1 Senior Superintendent, 8 Superintendents, 11 Assistant Superintendents, 11 Inspectors, 22 Sergeants, and 61 Corporals. I find it hard to understand how it is said that these officers are not promoted.

As no established structure for the special reserve police exists, the number of officers which constitute the special reserve police tends to change from time to time. The special reserve police officers perform duties throughout the police service and in various ministries. Within the police service, SRP officers, both temporary whole-time and part-time officers, play key roles in the following areas: the artisan corps; builders; carpenters; masons; and electricians. In the transport branch of the police service: mechanics; straighteners; and vehicle painters. In the area of community policing: investigators; drivers; lecturers; clerical officers and motor cyclists. At the telecommunications branch: electronic and wireless technicians. Also, they function at the Emergency Rapid Response E-999 Division as drivers. There is also the Court and Process Branch where the SRPs are employed.

Where the problem has arisen is the level of qualification to become an SRP and the hiring requirements to become a member of the regular police service. There are no specific entry requirements for the special police into the Trinidad and Tobago Police Service. In many instances, officers are recruited for the technical or vocational skills they possess. For example, if there are good mechanics who come seeking employment with the police service to work at their fleet department, they are employed, sent for training, and made members of the SRP, but they are there in no structural formation, and they are there to perform functions for which they are precepted, so they come under the control of the Commissioner of Police.

That notwithstanding, efforts are in train to recruit 58 special police officers who possess the qualifications to get into the regular police service. So while it is a separate organization and it is not a stepping stone into the police service, there

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are members of the SRP who have the qualifications and, after being interviewed, they will be recruited into the regular police service. These officers will be required to undergo a similar period of training as the regular recruits into the police service.

Now, the Commissioner of Police has the authority to promote officers within the ranks of the SRP. The system of promotion involves interviews conducted by an interview board which is comprised of the following persons: an Assistant Commissioner of Police; the Adjutant, who is a regular police officer in the rank of Assistant Superintendent of Police; and a Senior Superintendent, who is an SRP officer; and the Commandant.

Promotions were last made in 1997, when one Sergeant and two Corporals were promoted. However, once the regulations have been finalized, arrangements would be made for interviews to be conducted for the promotion of SRP officers to fill the vacant positions. This is all part of the regularization of the SRPs, which I had mentioned at another place, Mr. Speaker.

**4.10 p.m.**

The Ministry of National Security is in the process of regularization of the Special Reserve Police and this involves the making of regulations to govern their operation and the correction of anomalies that exist regarding their terms and conditions of service.

The regularization of the Special Reserve Police does not translate into the absorption of these officers into the regular police service for the following reasons: the entry requirements for the Special Reserve Police are significantly lower than those for entry into the Trinidad and Tobago Police Service, that is, any person who is 18 years of age, able-bodied and of good character can become an SRP.

The quantity and quality of training to which the SRP officers are exposed is six weeks, that does not equate with the training done by a regular police officer which is five months. As a consequence, SRP officers are unable, and do not usually perform duties in every sphere of police activity and must, of necessity, be restricted to certain areas. This, I would admit has not been followed to the letter and we do have examples of SRPs being virtually utilized like regular police and this is the reason for the regularization and rationalizing the duties so that the people will be given jobs that are more in keeping with their station.

Regularization can and must only mean the drafting of specific regulations to govern the terms and conditions of SRP officers. To this end, discussions are on-

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going in the Ministry of National Security, the Chief Personnel Officer and the Commissioner of Police on the terms and conditions to be offered to the SRPs—the two categories, the whole time and the part time. In this regard, the Special Reserve Police terms and conditions of employment regulations have been drafted by the Chief Parliamentary Counsel and covers the following areas: organization of the Special Reserve Police; appointments and promotions; conduct; discipline and reviews; hours of work; remuneration and allowances; gratuities and other benefits; supplies and uniforms; miscellaneous such as sports club, messing facilities and a staff association.

Mr. Speaker, the regularization and restructuring of the Special Reserve Police is designed to streamline the working conditions and relationship of the officers along more workable lines and to bring those in conformity with the Special Reserve Police Act. These efforts are not designed to displace any of the SRP officers who are now employed, rather, one may find that this change creates room in the structure to accommodate additional SRP officers.

The Ministry of National Security is working towards the finalization of the Special Reserve Police terms and conditions of employment regulations which will be completed by January 2000.

I thank the Member for raising the issue and thank you, Mr. Speaker.

**Mr. Speaker:** Before we leave, may I remind hon. Members that there is in the Members' Lounge this afternoon, just about this time, a getting together in the spirit of the same joviality which we have seen in the House of Members on both sides and, indeed, many of the former Members, and also Members and former Members of the other place. I appeal to Members of both sides to patronize it.

Thank you.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 4.15 p.m.*