LEAVE OF ABSENCE

Mr. President: Hon. Senators, I have granted leave of absence to Sen. The Hon. Fazal Karim and Raziah Ahmed, and Senators Diane Baldeo-ChadeeSingh and Anthony Vieira who are all out of the country, and Sen. Camille Robinson-Regis who is ill.

SENATORS’ APPOINTMENT

Mr. President: Hon. Senators, I have received the following correspondence from His Excellency The President, Anthony Thomas Aquinas Carmona SC, O.R.T.T.:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS CARMONA, O.R.T.T., S.C., President and Commander-in-Chief of the Armed Forces of the Republic of Trinidad and Tobago.

/s/ Anthony Thomas Aquinas Carmona O.R.T.T. S.C.
President

TO: ARCHBISHOP BARBARA BURKE

WHEREAS Senator Raziah Ahmed is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, BARBARA BURKE, to be temporarily a member of the Senate, with effect from 18th March, 2014 and continuing during the absence from Trinidad and Tobago of the said Senator Raziah Ahmed.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann’s, this 17th day of March, 2014.”
TO: MR. NAZEEMOOL MOHAMMED  
WHEREAS Senator the Honourable Fazal Karim is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, NAZEEMOOL MOHAMMED, to be temporarily a member of the Senate, with effect from 18th March, 2014 and continuing during the absence from Trinidad and Tobago of the said Senator the Honourable Fazal Karim.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann’s, this 17th day of March, 2014.”

TO: MR. FOSTER CUMMINGS  
WHEREAS Senator Camille Robinson-Regis is incapable of performing her duties as a Senator by reason of her illness:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(b) of the Constitution of the Republic of Trinidad and Tobago, do
Senators’ Appointment  
Tuesday, March 18, 2014

hereby appoint you, FOSTER CUMMINGS, to be temporarily a member of the Senate, with effect from 15th March, 2014 and continuing during the period of illness of the said Senator Camille Robinson-Regis.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann’s, this 17th day of March, 2014.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS CARMONA, O.R.T.T., S.C., President and Commander-in-Chief of the Armed Forces of the Republic of Trinidad and Tobago.

/s/ Anthony Thomas Aquinas Carmona O.R.T.T. S.C.
President

TO: MR. STUART YOUNG

WHEREAS Senator Diane Baldeo-Chadeesingh is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(b) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, STUART YOUNG, to be temporarily a member of the Senate, with effect from 15th March, 2014 and continuing during the absence from Trinidad and Tobago of the said Senator Diane Baldeo-Chadeesingh.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann’s, this 17th day of March, 2014.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS CARMONA, O.R.T.T., S.C., President and Commander-in-Chief of the Armed Forces of the Republic of Trinidad and Tobago.

/s/ Anthony Thomas Aquinas Carmona O.R.T.T. S.C.
President
TO: DR. KRIYAAN SINGH

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

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CAROMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(c) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, KRIYAAN SINGH, to be temporarily a member of the Senate, with effect from 18th March, 2014 and continuing during the absence from Trinidad and Tobago of the said Senator Anthony Vieira.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann’s, this 17th day of March, 2014.”

OATH OF ALLEGIANCE

The following Senators took and subscribed the Oath of Allegiance as required by law:

Archbishop Barbara Burke, Nazeemool Mohammed, Foster Cummings, Stuart Young and Dr. Kriyaan Singh.

STANDING ORDERS COMMITTEE
( Appointment to)

Mr. President: Hon. Senators, in accordance with Standing Order 64 of the Senate, I wish to announce that Mr. Ganga Singh will replace Mr. Devant Maharaj on the Standing Orders Committee for the Fourth Session (2013/2014) of the Tenth Parliament.

PAPERS LAID

1. Motor Vehicles and Road Traffic (Amendment) Order, 2014. [The Minister of Finance and the Economy (Sen. The Hon. Larry Howai)]


9. Annual Report of the National Insurance Board of Trinidad and Tobago (NIBTT) for the year ended June 30, 2013. [Sen. The Hon. L. Howai]


11. Animals (Importation) Control (Amendment) Regulations, 2014. [The Minister of Food Production (Sen. The Hon. Devant Maharaj)]

Animals (Importation) Control (Amendment) Regulations, 2014

The Minister of Food Production (Sen. The Hon. Devant Maharaj): Mr. President, it is fortuitous today as we move an Act to amend the Dog Control Bill that I have the privilege and honour to lay this paper on the Table and I shall speak later on it during the debate.

1.45 p.m.

SPECIAL SELECT COMMITTEE REPORT

Planning and Facilitation of Development Bill, 2013
(Presentation)

The Minister of Planning and Sustainable Development (Sen. The Hon. Dr. Bhoendradatt Tewarie): Mr. President, I have the honour to present the following report as listed on the Order Paper in my name:

**ORAL ANSWERS TO QUESTIONS**

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Mr. President, thank you. We will answer questions 59, 60 and 61 by the Minister of National Security. We seek a deferral of the other questions for a two-week period.

*The following questions stood on the Order Paper:*

**Caribbean Airlines Limited**

(Details of)

88. With regard to the operations and management of CAL, could the hon. Minister of Finance and the Economy state:

(i) how many non-national pilots received training at the expense of CAL and subsequently left CAL without ever actually working for the airline;

(ii) is CAL in the process of cancelling the Port of Spain to London route; and

(iii) what management arrangement is in place for the running of CAL’s operations in Jamaica? [Sen. Dr. L. Henry]

**CL Financial Matter**

(Final Resolution of)

89. Could the hon. Minister of Finance and the Economy state what are the outstanding issues which are affecting a final resolution of the CL Financial matter? [Sen. Dr. L. Henry]

**Public Revenue**

(Details of)

90. With regard to public revenue, could the hon. Minister of Finance and the Economy state:

(i) what is the Government’s borrowing profile for the short to medium term;

(ii) is the Government having revenue shortfalls since the start of the fiscal year 2013 to 2014; and

(iii) if the answer to (ii) is in the affirmative, what is the reason for this? [Sen. Dr. L. Henry]
Ministry of Energy and Energy Affairs
(Requirements After Oil Spill)

98. In view of the significant effects of the recent oil spill in south-west Trinidad could the hon. Minister of Energy and Energy Affairs advise this Senate whether:

a) the MEEA already requires or is considering requesting all operators to provide oil spill modeling and oil spill response plans for their existing oil producing assets;

b) the MEEA will consider requesting such plans before production on new prospects begins;

c) through the work done over the years by the MEEA inspection unit, whether Petrotrin’s oil producing, distribution and storage facilities adhere to the environmental and health and safety practices required;

d) if the answer to c) is in the wholly or partly negative, could this Senate be provided with the number of instances of failures to meet inspection requirements as discovered by the Inspection Unit of the MEEA in 2011, 2012 and 2013; and

e) given the response to c) above, the level of confidence that the physical environment around Petrotrin’s oil producing, storage and distribution installations meet environmental standards? [Sen. D. Small]

Petrotrin
(Resignations After Oil Spill)

99. Could the hon. Minister of Energy and Energy Affairs advise that in view of the ecological and social disaster caused by the December Petrotrin oil spill whether:

a) any member of the Petrotrin Board of Directors has tendered their resignation;

b) any member of the Petrotrin Executive Management Team has tendered their resignation;

c) any other member of Petrotrin’s staff complement has tendered their resignation; and

d) any such resignation received at a, b or c has been accepted or rejected and the relevant reasons for such acceptance/rejection? [Sen. Dr. L. Henry]

Questions, by leave, deferred.
Ministry of National Security  
(Details of Moneys Expended)

59. Sen. Faris Al-Rawi on behalf of Sen. Camille Robinson-Regis asked the hon. Minister of National Security:

A. Would the Minister indicate whether his Ministry or any entity under its purview expended any money between 1st January, 2012 to the present date, in the purchase and/or printing of national personalities or other insignia, upon teacups/mugs or other items for distribution by his Ministry, the Office of the Prime Minister or any other Ministry?

B. If so, at what cost and what was/were the name(s) of the firms used to do such printing?

C. If the response to (A) is in the affirmative, from which firms(s) was/were the items purchased/sourced?

The Minister of National Security (Sen. The Hon. Gary Griffith): Thank you, Mr. President. As it relates to question No. 59, hon. Senators, in commemoration of the country’s 50th anniversary of independence, the Ministry of National Security purchased 600 mugs with gift boxes and 500 umbrellas for distribution to members of staff. One hundred of the cups displayed the insignia of the Ministry of National Security, while the other 500 displayed the Coat of Arms.

The logo of the 50th anniversary commemoration and the image of the Minister of National Security was on it—not this Minister of National Security. I was too good looking. [Laughter] The 500 umbrellas exhibited the Coat of Arms and the insignia of the Ministry of National Security.

According to the records of the Finance and Accounts Unit at the Ministry of National Security, payment vouchers dated September 13, 2012 and September 17, 2012, were submitted in the names of Print Ideas Limited and Mischief Advertising Company Limited respectively, for payment of the total sum of $121,900. Of this total, $50,200 represented the cost of the mugs, while $56,700 was the cost for the purchase of the umbrellas. The payment of all vouchers was honoured and, as indicated previously, the mugs were purchased from Mischief Advertising Company Limited, whilst the umbrellas were purchased from Print Ideas Limited.

Sen. Al-Rawi: Further supplemental, Mr. President. Hon. Minister, are you able therefore to tell us what the cost per mug is, based on those figures?
Sen. The Hon. G. Griffith: No, I will not be able to answer that. That is a separate question. [Crosstalk]

Sen. Al-Rawi: Hon. Minister, a further supplemental. Are you able to tell us whether there was an open tender process in respect to this transaction?

Sen. The Hon. G. Griffith: Mr. President, due to the minimum time available to organize the independence celebratory events, quotes were received from suppliers Print Ideas and Mischief Advertising Company Limited, which conducted business with the Ministry of National Security for the supply of printed mugs and umbrellas previously.

Sen. Al-Rawi: Further supplemental. Hon. Minister, would you please clarify what you mean by due to the time frame? The 50th anniversary celebrations were well known to this country many years in advance.

Sen. The Hon. G. Griffith: Mr. President, yes they were aware of the 50th anniversary celebration, I think we all were, but the decision to go ahead with this project took place very close to the actual Independence Day Celebration, upon which the reason this was done, as is normal on many occasions.

Sen. Al-Rawi: Hon. Minister, further supplemental. Are you able to inform whether the Central Tenders Board procedures itself were complied with in these RFPs that apparently went to two individuals?

Sen. The Hon. G. Griffith: No, well, Mr. President, as I said, this is totally above board. It is a normal practice for situations like this, due to the minimum time available, and we are aware of who the suppliers are, we have done business with them previously through the Ministry of National Security. [Crosstalk and desk thumping]

Sen. Al-Rawi: Further supplemental, post-tassa. [Laughter] Hon. Minister, are you able to tell us whether any joint procurement was made from Ministries as a whole in respect of this particular exercise? Perhaps it is within your purview. [Crosstalk]

Sen. The Hon. G. Griffith: Mr. President, that is a new question. I will not be able to answer. [Laughter]

Sen. Al-Rawi: Thank you.

Mr. President: Leader of Government Business—I am sorry, Opposition Business. [Laughter]

Sen. Al-Rawi: Perhaps, Mr. President, it was Freudian.
Sen. Ramlogan SC: He has to be Leader of the Opposition first. It is a premonition of things to come.

Sen. Al-Rawi: Mr. President, if I may pose question 60 with your leave to the hon. Minister of National Security, this question standing in the name of Sen. Camille Robinson-Regis.

**Hoop of Life Basketball Programme**
**(Details of Money Allocated/Spent)**

60. **Sen. Faris Al-Rawi** on behalf of Sen. Camille Robinson-Regis asked the hon. Minister of National Security:

With respect to the ‘Hoop of Life’ Basketball Programme, can the Minister indicate to the Senate:

(a) the amount of money allocated to this Programme to date and the commencement date of this programme;

(b) the current status of the implementation of this programme and further indicate how much of the allocation at (a) has been expended as at the 31st December, 2013;

(c) how many motor vehicles have been and/or are now dedicated to the Programme for use by administrators and officials, for the implementation of this programme and the cost of these vehicles to date;

(d) whether these vehicles are owned by the Ministry, or are they leased? If leased, who is/are the lessor(s) and indicate the duration of the lease agreement(s) in each case;

(e) the monthly salary/emolument expense for all the monthly-paid officials of this programme and indicate the number of such persons employed on contract, to administer this programme;

(f) The amount of the monthly stipend paid to each participant in this programme and further indicate the total number of participants to date; and

(g) how many persons have been employed as coaches in this programme and do they receive a stipend; if so, what is the total amount expended on coaches as at December 31, 2013?

The Minister of National Security (Sen. The Hon. Gary Griffith): Mr. President, as it relates to the Hoop of Life Basketball Programme, hon. Senators are advised that, to date, the Government of Trinidad and Tobago has allocated a total
Oral Answers to Questions

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of $36 million to the Hoop of Life Community Basketball Programme. The staging of the league was approved by Cabinet on July 05, 2012, and the phase one aspect of the games commenced on November 01, 2012.

Two phases of the Hoop of Life Programme have been completed, and outstanding administrative matters relating to phase two are currently being finalized.

As at December 31, 2013, the programme has expended $24,842,413.65. An evaluation was conducted on both phase one and phase two to assess the performance and impact of the programme, which would inform the implementation of the third phase of the programme, which should commence in May 2014.

The overall feedback from participants in the programme has been quite positive. [Desk thumping]

The question was also asked pertaining to vehicles. Mr. President, a total of 12 vehicles were leased for the duration of phase one of the Hoop of Life Programme at a total cost of $696,276.68. Fourteen vehicles were leased for phase two of the programme at a total cost of $928,277.41. There is currently just one motor vehicle being leased at present at a monthly cost of $13,800, VAT inclusive, for the period December 01, 2013 to April 20, 2014, for use by officials in the completion of administrative matters relating to phase two and preparation for phase three of the programme.

The Ministry of National Security is not the owner of any of the vehicles used by the Hoop of Life Programme as asked. The vehicles that have been used by the programme were leased from Miscellaneous Marketing Limited. These vehicles were leased for the period September 14, 2012 to March 31, 2013 for phase one, and April 01, 2013 to November 30, 2013 for phase two. The vehicle that is currently in use was leased for the period December 01, 2013 to April 20, 2014.

Mr. President, the Hoop of Life Programme has retained the services of 43 administrative and clerical service providers at a total monthly cost of $128,400 and 252 technical service providers, which include a variety from coordinators, team managers, coaches, assistant coaches and trainers. The Hoop of Life Programme paid a stipend of $1,000 per month to each player. There has been a total of 720 participants in the programme to date.

Finally, the Hoop of Life Programme has retained the services of 60 coaches at a monthly fee of $3,750 and 60 assistant coaches at a monthly fee of $3,000. The total sum on all coaches as at December 31, 2013, is $2,711,617.68.
**Sen. Al-Rawi:** Further supplemental. Hon. Minister, I did not quite catch— *[Interruption]*

**Sen. Ramlogan SC:** It is not a further supplemental. This is the first supplemental you are asking.

**Sen. Al-Rawi:** Thank you, hon. Attorney General, for your guidance this afternoon.

May I ask by way of supplemental, hon. Minister, but it is really a clarification, could you say what the total figure was again, please? It was the first answer you gave.

**Sen. The Hon. G. Griffith:** The total is $36 million.

**Sen. Al-Rawi:** Thank you, hon. Minister. Further supplemental. Hon. Minister, in respect of the three phases that are to be rolled out, two of which have been completed and one of which is yet to come, is the hon. Minister able to tell us whether there was a coordination with the Ministry of Sport in respect of the procurement of coaches for this programme? *[Crosstalk]*

**Sen. The Hon. G. Griffith:** Mr. President, the Ministry of Sport obviously had a part to play. We all know that the Minister of Sport, Mr. Anil Roberts, was actually there at the opening of the Hoop of Life, so there has been collaboration between the Ministry of Sport and the Ministry of National Security, and in fact, we continue to do so.

What we do realize is that the importance of the Hoop of Life is not just so much about a basketball tournament. What we are looking at is, yes there are four quarters of 12 minutes each, what we are doing for the Hoop of Life is not just the 48 minutes of a basketball field, but for the 49th minute and beyond, what goes on after those 48 minutes of a basketball game. *[Desk thumping]*

**Sen. Young:** Good afternoon, Minister, further supplemental question. You referred to 252 technical service providers, what exactly is it that these technical service providers do?

**Sen. The Hon. G. Griffith:** Mr. President, the service providers is a variety. It involves coaches, assistant coaches, trainers, coordinators, team managers. Individuals who are involved, not just in the administrative aspects of a sporting event, but also those involved in the technical aspects, which will assist the individuals in their field. That would include, as I mentioned, coaches, assistant coaches and trainers. So it involves both administrative and tactical aspects of the sport.
Sen. Al-Rawi: Further supplemental. Would you be able to tell us who is conducting this evaluation that you have expressed in your answer? You told the honourable Parliament that the programme is being evaluated presently. Who is conducting this evaluation?

Sen. The Hon. G. Griffith: The Ministry of National Security, and I have also been liaising with the Ministry of Sport, so it is twofold. It is both with the Ministry of National Security and the Ministry of Sport for us to see what can be done to improve the productivity of the Hoop of Life basketball, to ensure, as I said, that it is not just for basketball, but what could be done to develop the individuals, because we do know the importance of secondary crime prevention. [Desk thumping]

Secondary crime prevention, Mr. President, has to do with diverting the energies from youths away from a life of crime and to utilize their energies in the right manner, and we see that as being such an avenue. But what we need to do is to look at what has been accomplished and what we can do to make it even better.

Sen. Young: Further supplemental, hon. Minister, and it might very well be by way of clarification, back to the 252 technical service providers.

I personally did not hear a figure quoted, whereas you had given us a figure of $128,400 for the 48 people before and a figure for the monthly stipend for coaches. Can you please provide that. Thank you.

Sen. The Hon. G. Griffith: It is a total monthly cost of $18,750, Mr. President.

Sen. Young: Further supplemental. Is it $18,000 per technical service provider?

Sen. The Hon. G. Griffith: No, what I have is that is the total monthly cost for all of them.

Sen. Cudjoe: Further supplemental. November 16, 2013, Trinidad Express, stated that the People’s Partnership would have spent $70 million on the Hoop of Life, but today you are reporting $36 million. Can you tell me the time period for this $36 million, because $36 million is a far cry from $70 million? Please explain the difference.

Sen. The Hon. G. Griffith: Yes, Mr. President, the official report we have is that—and I say again—as of to date the Government of Trinidad and Tobago has allocated a total of $36 million to the Hoop of Life Community Basketball Programme—$36 million.
Sen. Al-Rawi: Further supplemental. Is it therefore, hon. Minister, that the allocation is to the Ministry of National Security in the sum of $36 million or that there may be further allocations coming from some other entity, for instance a State entity? Could you please clarify.

Sen. The Hon. G. Griffith: I will not be able to answer that, Mr. President. What I can answer is pertaining to my Ministry; and my Ministry, the allocation is $36 million. [Desk thumping]

Sen. Al-Rawi: Further supplemental. As a Member of the Cabinet providing the answers that you have, would the hon. Minister therefore be able to explain the open discrepancy between the statements of $70 million and $36 million? That is a simple question.

Sen. G. Singh: He cannot explain that.

Sen. The Hon. G. Griffith: What I would have to say is, based on what the official reports that I have, it being $36 million, that is what has been given to me from the Ministry of National Security.

Sen. Al-Rawi: Is the hon. Minister able to tell us whether there was an open tender process in respect of the procurement of the vehicles leased from— is it Mischief Marketing Limited?


Sen. Al-Rawi: Miscellaneous Marketing. [Laughter] Was there an open tendering process in respect of the procurement of those leases?

2.00 p.m.

Sen. The Hon. G. Griffith: Mr. President, that is another question. I will not be able to answer it at this time.

Sen. Al-Rawi: Hon. Minister, insofar as this has crossed several millions of dollars, the procurement of leases, it would have required ministerial approval. It would be a sum beyond one million dollars at the PS level. Is the hon. Minister aware whether ministerial approval was granted for this or not?


Sen. The Hon. G. Griffith: And again, Mr. President, that is another question. But at this time, I am unable to answer that. But what I can say is, at the phase 3 what we are doing is, we are looking at all the expenses and seeing what else can be done to improve. And this is not just a concept of just putting money
into a project, it is for us looking at what it is and based on proper cost-benefit analysis, for us to ascertain exactly what it is we put into the Hoop of Life, we can get out something that is very productive.

**Sen. Al-Rawi:** Final supplemental. Hon. Minister, in respect of your answer dealing with evaluation, is the hon. Minister able to provide some clarity as to the evaluation and merits of this particular project, in light of the hon. Minister’s public statement that the Hoop of Life Programme does not stand as a good crime-fighting tool available in Trinidad and Tobago.

**Sen. The Hon. G. Griffith:** Mr. President, what I said, and I would continue to say it, is that there are three concepts for—based on criminological theory—how you deal with crime prevention; the primary, which is why it is called the primary, has to do with law enforcement, deterrence, putting mechanisms to provide the deterrent and to provide intelligence gathering. So that would be the primary.

It is also important that the secondary crime prevention can and should be used to assist in turning a person—the energy—in the right direction. Yes, it is true that in the Ministry of National Security at times there would be other Ministries that will complement secondary crime prevention. And it could vary from the Ministry of Sport, education, health and so forth.

However, the Ministry of National Security, we do have an obligation, and our obligation is to reduce crime from all aspects. We would continue to focus on the primary crime prevention which will involve target-hardening, deterrence and law enforcement with intelligence gathering, but in the same light we will also work with our fellow Ministries to ensure that the secondary crime prevention is adhered to. And the Hoop of Life is one of those which is, again, diverting the energies away from a life of crime; and the Hoop of Life has proven to be.

In fact, what we are also looking at is to actually move to other aspects of secondary crime prevention, where we are looking to liaise with the Trinidad and Tobago Football Association in having goals for life, where we can even expand that even more. [Desk thumping] We will have an updated database of youths being involved in projects such as this.

**Sen. Al-Rawi:** Would it please you, may I pose question 61 standing in the name of Sen. Camille Robinson-Regis to the hon. Minister of National Security.
Hoop of Life Basketball Programme  
(Details of)

61. Sen. Faris Al-Rawi on behalf of Sen. Camille Robinson-Regis asked the hon. Minister of National Security:

With respect to the Hoop of Life Programme, could the Minister please inform the Senate:

(a) of the cost to upgrade the basketball courts and in each case the purchase of gear and equipment for this programme as at December 31, 2013?

(b) what if any, is the cost of rental of any premises/offices dedicated to the administration of the programme; and

(c) the period of the rental agreement and the owner of the premises?

The Minister of National Security (Sen. The Hon. Gary Griffith): Thank you, Mr. President. Again, this relates to the Hoop of Life Basketball Programme as we are asked about the cost to upgrade the basketball courts.

Hon. Members are advised that the cost to upgrade the basketball courts fell under the ambit of the Ministry of Housing and Urban Development. The Ministry of National Security funded the purchase of uniforms for basketball teams and officials at a cost to $423,200, VAT inclusive, and equipment at a cost of $169,547.50, VAT inclusive, for phase one of the programme. A total cost of $288,000, VAT inclusive, was spent on uniforms and $144,568, VAT inclusive, on equipment for phase two of the programme as at December 31, 2013.

The Ministry of National Security has leased a building located at No. 165 Tragarete Road, Woodbrook to house the office of the Hoop of Life Programme at a cost of $60,000 per month plus VAT. The building located at No. 165 Tragarete Road, Woodbrook has been leased for a period of three years from JOSOL (J-O-S-O-L) Investments Limited with effect from the date of occupancy in September 2012.

I also have the breakdown, if required, of the jerseys and the Hoop of Life logo and so forth, Mr. President. Thank you.

Sen. Al-Rawi: Supplemental, Mr. President. Thank you, hon. Minister. With respect to the lease at No. 165 Tragarete Road, is the hon. Minister able to tell us who JOSOL’s principal is?

Sen. The Hon. G. Griffith: No, Mr. President. I do not.
Sen. Ramlogan SC: What he is trying to find out—competitors.

Sen. Al-Rawi: Would the hon. Minister also be able to tell us by way of competitor’s information, what the cost, per square foot, of the rental there is? [Crosstalk]

Sen. The Hon. G. Griffith: Mr. President, what I will need to do is obviously get the square footage of it. What I will do is that as soon as I get that and a calculator, I will provide it for the hon. Senator.

Sen. Al-Rawi: Is the hon. Minister able to tell us what the term of the tenancy is?

Sen. The Hon. G. Griffith: It has been leased for a period of three years from JOSOL—Juliet Oscar Sierra Oscar Lima Limited.

Sen. Al-Rawi: Hon. Minister, is the sum from the Ministry of Housing and the Urban Development with respect to the basketball court itself known to the Ministry of National Security? [Crosstalk] Is the sum for the purchase of the basketball court itself, which you have advised is under the Ministry of Housing and the Urban Development, known to you, hon. Minister?


Sen. Al-Rawi: Therefore, hon. Minister, further supplemental. Does that impact into the overall cost of the Hoop of Life Programme or is the information provided by you, hon. Minister, confined only to your Ministry therefore, leaving room for additional costs at other Ministries?

Sen. The Hon. G. Griffith: Yeah. I would not be able to answer that, Mr. President, but what I am giving is from the Ministry of National Security as requested.

STATEMENT BY MINISTER

Performance 2013: Measuring Progress, Identifying Challenges, Actioning Solutions

The Minister of Planning and Sustainable Development (Sen. The Hon. Dr. Bhoendradatt Tewarie): [Desk thumping] Thank you very much, Mr. President. It is indeed an honour and privilege to lay the Annual Report on Performance 2013: entitled Measuring Progress, Identifying Challenges, Actioning Solutions in the Parliament of Trinidad and Tobago.

This report represents the second published annual performance report of the Government on the implementation of the Medium Term Policy Framework 2011-2014. It provides essential information as well as provides a comprehensive
account of the progress that has been made towards the achievement of specific targets and national outcomes identified in both the MTPF and the National Performance Framework 2012-2015, respectively.

Since 2011, the Government of Trinidad and Tobago has developed a medium term policy framework which identified critical priorities to be addressed over the medium term, based on the framework established by the manifesto 2010, which was adopted as the official policy framework of Government in 2010. These priorities include crime, law and order, agriculture and food security, health care and hospitals, economic growth, job creation, competitiveness and innovation and poverty reduction and human capital development.

In order to demonstrate our commitment to accountability, to transparency and to results, the National Performance Framework 2012-2015 was developed to monitor, measure and track our implementation progress. Importantly, within the national performance framework, eight key result areas, 23 national outcomes and 52 national indicators were identified.

The annual reports on performance represents a departure from reporting against activities to one that is focused on results. This approach is quite different in that it incorporates measurement into the overall policy direction for the country. As we move forward, our ability to deliver goods and services to the public, in an efficient and effective manner, will depend primarily on improving the performance of Ministries in the implementation process, and particularly in relation to PSIP execution.

Moreover, the People’s Partnership Government and the Kamla Persad-Bissessar administration, are the first in the history of governance in our country to present reports on performance for the scrutiny of all citizens. [Desk thumping]

The achievements of Government over the last year have been clearly articulated in this document, and can now be shared with the wider citizenry. All citizens therefore, can now have an appreciation of the dedication and commitment of this Government to people-centred development and to the achievement of the vision of “Prosperity for All” as a nation. Our intent and purpose is to highlight the impact that is being made on the lives of all citizens by virtue of our development interventions. We do believe that through creativity, collaboration and innovation, we as a people shall prosper together.

The 2013 annual report on performance also represents the continuation of our efforts to build a culture of performance, of monitoring and of evaluation within the public service. At present there already exists a structure, a system and
processes for monitoring, evaluation and feedback through the Ministry of Planning and Sustainable Development. In this regard, the annual reports on performance serve to strengthen this structure and system.

The report itself is structured into two sections. Section one provides an indication of progress related to the development and implementation of a national results-based management system to monitor and evaluate Government’s performance and critical projects and programmes executed by line Ministries.

The introduction also provides an account of the challenges we face within the public sector, particularly those related to developing an adequate yet robust data collection strategy. This is particularly important since without the necessary data, it is impossible to track our national indicators as well as monitor our performance.

The absence of certain critical statistical information is also highlighted in the report, emphasizing the need to address all issues related to data collection, both supply as well as collection and analysis. In this sense we have identified both the strength of the system as well as its deficiencies.

Section two highlights progress in the implementation of the five priority areas set out by Government in the medium term framework. Each chapter examines in detail and gives a critical analysis of our national outcomes, outputs and the 52 national indicators identified.

The report covers the period September 2012 to the end of August 2013.

Some highlights: crime, law and order. With respect to crime, law and order, while there have been considerable reductions in serious crimes over the last fiscal, it is noted that there are still many challenges. Within various categories of serious crimes such as wounding and shootings, serious indecency, narcotic offences, kidnapping, kidnapping for ransom, burglaries and break-ins and robberies, there have been considerable decreases.

In spite of this, specific areas within this priority are of concern. These relate to crime detection rate which remained around 16 per cent, as well as the homicide detection rate which has declined to 11 per cent. In this regard, Government will continue to place emphasis on these areas for improvement over the short to medium term, and the information has been drawn to the attention of the Ministry of National Security for targeted attention.

Agriculture and food security: substantial achievements were also noted in this priority area, which are detailed in chapter three of the document. In particular the reduction in food inflation rate, which was at September 2013, estimated at 9.3
per cent which is down from 20.5 per cent in September 2012. Additionally, it was also noted that as a result of various initiatives currently being pursued, the percentage of employment in agriculture is likely to increase in subsequent years.

In spite of these achievements, two areas for focused attention remain if we are to improve agriculture’s contribution to the gross domestic product, as well as reduce our food import bill which at September 2013 was estimated at $4.07 billion, which in spite of this high figure, still represents a reduction over the previous years.

Health care services and hospitals: chapter 4 of the report demonstrates the fact that the health care services and hospitals remain a priority, but that the main challenge in effectively monitoring health care issues, continues to be unavailability of current data. That is to say, the main challenge is unavailability of current data.

In spite of this, marginal progress has been noted in the increase in the number of physicians per 10,000 persons which has more than doubled since 2010, from 11.8 to 26.3 per 10,000 persons at the end of 2013.

2.15 p.m.

Additionally, the target of 25 per 10,000 persons in terms of nursing professionals was set and this has been surpassed and is now estimated as 41.4 per 10,000 persons. With respect to adult HIV prevalence, the data suggests that as a country, we are more or less stable at a rate of 1.6 per cent.

Areas for attention continue to be maternal mortality as well as under-five mortality, which is estimated at 20 per 1,000 in 2012 and 13.2 in 2013, respectively. Additionally, the hon. Minister of Health is working with UNICEF to address the issue of data management and has made the issues of maternal and under-five mortality priority areas for attention.

Economic Growth, Job Creation, Competitiveness and Innovation: The performance of this priority has been particularly noteworthy over fiscal 2013. There has been a steady increase in GDP since 2011 and it is currently estimated at $89.0 billion. Additionally, foreign direct investment has also improved significantly since 2010 and was estimated at $2.5 billion at the end of 2012 [Desk thumping] while at the end of September 2013 it stood at approximately US $1.9 billion.

Additionally, an increase in new business creation was noted and at the end of fiscal 2013, businesses were estimated at 13,200, which translates into an increase of 2,200 businesses over the last fiscal year. [Desk thumping] At the same time,
non-petroleum sector contribution to GDP continued to improve since 2010 and is now estimated at 60.2 per cent of national GDP. The unemployment rate has also remained consistent at around 5.0 per cent.

Areas for attention under this priority are improving exports as well as improving Trinidad and Tobago’s competitiveness. With respect to the latter, while Trinidad and Tobago has slipped in the Global Competitiveness Index, it is important to note that as a result of several Government initiatives and our per capita income, Trinidad and Tobago has now transitioned from being characterized as an efficiency-driven country to an innovation-driven country. This, in itself, is testimony of the significant work and initiatives being undertaken by this Government to facilitate and promote a culture of innovation in Trinidad and Tobago. Such initiatives are being driven by the Council for Competitiveness and Innovation, by institutions such as NIHERST, CARIRI, the Centre for Enterprise Development and the Ideas to Innovation competition, which has spawned 103 winners with the potential for successful innovation in business.

Poverty-reduction and human capital development: The last chapter of the report focuses on the priority of poverty reduction and human capital development. Again, the challenge of undertaking a meaningful analysis of this priority can be attributed to insufficient data to support the national indicators. In 2009, the Household Budgetary Survey estimated poverty at around 18.9 per cent. However, from all indications, it is estimated that the current level is between 14 to 15 per cent, given the level of support as well as the number of social programmes and interventions being delivered through the Ministry of the People and Social Development and other agencies of Government.

While the 2012 annual report did estimate the poverty level to be 14.8 per cent, to ensure that we do not mislead the population and this Parliament, we decided that we would leave the present value of the baseline data of 18.9 per cent. It is expected that a more accurate figure for the current level should be available as the CSO will be undertaking a survey of living conditions within this fiscal year, in collaboration with the Ministry of the People and Social Development.

With respect to human capital development, the percentage of students passing SEA has improved and is now estimated to be 91.1 per cent. [Desk thumping] Given the current rate, the target of 92 per cent by 2015 is expected to be attained and even surpassed. Similarly, the participation rate in tertiary education has improved significantly since 2010 and is now estimated to be 57 per cent. [Desk thumping] Again, given the current rate, the target of 60 per cent by 2015 is likely to be achieved.
Areas for focused attention continue to be on improving the percentage of students attaining five or more subjects, including Mathematics and English at CXC, which is currently estimated at 44 per cent, as well as the graduation rate from tertiary institutions which is estimated to be around 38 per cent but improving.

This report is testimony to our untiring commitment to achieving meaningful results that impact positively on the lives of our citizens. Clear goals and targets have been set for the medium term and a robust measurement, results-focused strategy has been developed. Our main focus now will be on execution and implementation with a greater sense of clarity and with insistence on accuracy. The 2013 report represents a hallmark document for reporting to citizens, by using performance indicators and targets to measure our success.

It is expected that this report will be utilized as a management tool by Government, as well as public sector managers, where it can serve as a valuable source of information to better inform and, indeed, improve decision-making at the national level.

This document would not have been possible without the support and contribution of many. I therefore wish to thank specifically all Government Ministers and parliamentarians, permanent secretaries and the senior management of the public service for their tremendous efforts in this initiative. I also wish to give special thanks to those members of staff of the Ministry of Planning and Sustainable Development, who worked tirelessly on the production of this report, for their dedication and commitment, especially those in the National Transformation Unit of the Ministry.

In order for us to move forward as a nation, it is important that we recognize that we must work together with a collective will, clarity of purpose and a common sense of determination. Becoming a truly developed country will only be possible if we strive together in unison, which will ultimately redound to the benefit of each citizen and every citizen of our country.

Currently, we have come to a good place. Much has been achieved and the trajectory ahead looks even better. Let me draw your attention to some significant milestones:

Resumption of growth and re-stimulation of investment; 1.2 per cent in 2013, likely 2.5 per cent or better in 2014; 2.5 billion in investment 2012; 1.9 billion up to September 2013, likely to achieve at least 2013 equivalent by the assessment at the end of the year.
Statement by Minister Tuesday, March 18, 2014

Achievement of 57 per cent tertiary participation and almost certain to achieve 60 per cent by 2015; will achieve universal early childhood education by 2015. Primary curriculum has been expanded and deepened and transformed. One laptop per child for all children Forms 1 to 5 in the secondary system will be achieved by the beginning of the next school year. Expanding technical/vocational education and establishing a system of certification on the basis of experience and know-how will be achieved.

Vigorous pursuit of diversification in the seven chosen clusters; action on the five growth poles; demarcation of seven economic zones, development action on the Chaguaramas peninsula, and opening up and expansion of the highway system—west, east and south.

Facilitating an environment conducive to business, business growth and business creation; reducing the time required to establish a business to four days. The consequence of this is that 2,000 businesses were registered in 2013. Town and Country has been streamlined—30 days for simple applications. An integrated complex applications committee which facilitates a collaborative approach to resolving issues re complex applications and getting a decision in 30 days now functions. A new enlightened approach to physical planning has been finalized in a consultative process and a National Spatial Development Strategy has been prepared. New business creation has been facilitated by an innovation fund, an Idea to Innovation Programme, a centre for enterprise development and an innovation for climate change solution project, funded by the World Bank. Over 100 innovations projects have been financed in Trinidad and Tobago through the idea to innovation project alone.

The Chaguaramas Boardwalk and ancillary facilities will be a lasting legacy for this country.

Currently, 75 schools, two hospitals, a number of police stations and scores of recreation grounds are being developed across the country.

Mr. President, I thank you and hon. Members. [Desk thumping]

VISITORS FROM THE UNIVERSITY OF MALAYSIA

Mr. President: Hon. Senators, before we proceed to the next item on the agenda, I would like to announce the arrival of certain very special guests of the Senate here today. We have a delegation from the University of Putrajaya, Malaysia, the Environmental Forensics Research Centre, Faculty of Environmental Studies, in the form of Dr. Ramdzani Abdullah, who is the Dean...
Visitors from University of Malaysia

[MR. PRESIDENT]

Associate Professor, Environmental Forensics. [Desk thumping] And we also have with us Prof. Ahmad Zaharin Aris, head of the Environmental Forensics Research Centre. [Desk thumping]

This delegation arrived yesterday and will be here until the 20th. My understanding is that they will be here to enhance collaboration on a field of environmental study leading to the establishment of an Institute of Environmental Forensics. So we wish them well during their period of stay here in Trinidad and Tobago and we thank them for visiting. [Desk thumping]

STATEMENT BY MINISTER

Allegations of Privatization of Petrotrin by OWTU

The Minister of Energy and Energy Affairs (Sen. The Hon. Kevin Ramnarine: Mr. President, I rise to make a statement as it relates to one of the country’s most important state enterprises, Petrotrin. Mr. President, a serious and damaging allegation has been made by the Oilfields Workers’ Trade Union that the Government plans to privatize Petrotrin. Mr. President, in my capacity as Minister of Energy and Energy Affairs, I wish to categorically state that the Government has absolutely no intention and [Desk thumping] no plan to privatize Petrotrin. I repeat: The Government has no intention to privatize Petrotrin.

Mr. President, allegations that the Government intends to privatize Petrotrin are baseless and mischievous. Indeed, such statements and rumours can be seen to be deliberately constructed to undermine the Government and destabilize the country.

These unfounded rumours first surfaced in 2012 when the lease for Trinmar expired. These unfounded rumours were dispelled and dismissed when on December 31, 2012 the Ministry of Energy and Energy Affairs renewed Petrotrin’s licence for the Trinmar acreage, giving 100 per cent of Trinmar back to Petrotrin. [Desk thumping]

Mr. President, it is essential that in order to improve the economics of the company and to return it to profitability in the shortest possible time, that the company focus on increasing oil production. It is for this reason Government has chosen to refocus the company on stabilizing and increasing oil production. The focus, therefore, is exploration and production, and that makes perfect economic sense.

The economic analyses point to the fact that an increase in oil production has the most significant impact on Petrotrin’s profitability. A 10 per cent increase in oil production at Petrotrin could almost double profit. These increases are expected to come from the Southwest Soldado Development Project, the Jubilee Field—which was described as a hoax by the Leader of the Opposition—opportunities from land and Trinmar 3D seismic enhanced oil recovery project and the field rejuvenation project.
The field rejuvenation project that was publicly advertised is not privatization. Indeed, it is a model that has worked with great success in Colombia where it has boosted the production of Ecopetrol. Petrotrin has been in discussion with Ecopetrol as they seek to understand the strategies that were employed by that company in effecting its remarkable turnaround.

Mr. President, the field rejuvenation project does not mean the loss of reserves nor does it mean the loss of equity for Petrotrin. It is therefore not privatization.

2.30 p.m.

Mr. President, with regard to the lease operator farm-out arrangement, the company has been engaged in this model since 1989 and it continues today with this model. This too is not privatization. Again, that model neither involves the relinquishment of reserves nor does it mean the relinquishment of equity. At the same time too, Mr. President, the company has reported recently to a joint select committee of Parliament that its refinery margins have fallen as a consequence of external factors related to the shale oil revolution in the United States.

Mr. President, the United States by law cannot export crude oil. As a consequence, the increase in shale oil production has resulted in a build-up of inventories of crude oil, resulting in access to discounted crude in key refining areas of the United States. This, coupled with access to relatively cheap natural gas, has provided US refiners with a significant cost advantage. As a result, US refiners have ramped up their utilization rates and have transformed the United States from a net importer of refined products to a net exporter in the same markets that Petrotrin supplies. The net effect has been a reduction in refining margins not only for Petrotrin, but for most refiners outside of the United States.

Mr. President, there are many challenges at Petrotrin and the majority of these challenges have their genesis in decisions of the previous PNM appointed board. There is now the infamous gas to liquids project that cost the company upward of TT $2.7 billion and there is the Gasoline Optimization Programme that started out at approximately TT $2.2 billion and snowballed to approximately TT $9.6 billion. That cost escalation was premised on an ill-fated cost reimbursable procurement strategy, at the heart of which were questionable contracts awarded to Bechtel and its local partner ABT, a company based in Pointe-a-Pierre. There are also serious issues of conflict of interest as it relates to Bechtel and ABT, which we will discuss at a later time.

Mr. President, as a consequence of the cost escalation of the Gasoline Optimization Programme, total debt at Petrotrin increased from TT $3.3 billion in 2002 when our friends opposite took office, to TT $12.4 billion in 2010 when they demitted
Statement by Minister 

Tuesday, March 18, 2014

[SEN. THE HON. K. RAMNARINE]

office. [Desk thumping] That, Mr. President, is an almost fourfold increase in total debt, yet we heard very little from the Oilfield Workers’ Trade Union in that period when the company’s debt levels were being ramped up. The main driver of that significant increase in debt, that fourfold increase in debt, was two bonds: one for US $750 million and another for US $850 million.

With regard to the latter bond—and I know this is something which is interesting to Sen. Ramkhelawan—that is the US $850 million bond, a bullet payment is due on August 14, 2019. And for the lay persons out there, a bullet payment simply means that the entire lump sum, the entire principal, has to be repaid, this is, the US $850 million on August 14, 2019. That is the bullet payment. These bonds, Mr. President, were floated to finance the Gasoline Optimization Programme which this Government inherited in 2010 as incompleted and which is now completed.

These bonds and the commensurate debt servicing obligations have impaired Petrotrin’s cash flow and have impacted its ability to pursue value generating opportunities in the upstream. At the same time, in 2005, the then PNM appointed board spent TT $170 million on a new headquarters, the shell of which can be seen from the Solomon Hochoy Highway today. This project was halted by the present board when it was deemed unfeasible. [Desk thumping] I think it is across the road from the Tarouba Stadium.

Mr. President, the company’s board has submitted to me a strategic plan for the period 2014—2018. This plan is a road map for returning Petrotrin to profitability by 2015. At its heart is a strategy to increase oil production. Mr. President, privatization is not part of this plan. [Desk thumping]

Mr. President, oil production at Petrotrin was not a priority for the previous PNM regime, and that is something a former PNM Minister of Energy has shockingly admitted. It is against this challenging but surmountable backdrop, that allegations of privatization can have a corrosive impact on confidence in the country’s energy sector.

I close, again, by reiterating that this Government has no intention and no plan to privatize Petrotrin, and that such allegations and rumours should be categorically dismissed.

Thank you very much. [Desk thumping]

SPECIAL SELECT COMMITTEE 
(Planning and Facilitation of Development Bill, 2013)

The Minister of Planning and Sustainable Development (Sen. The Hon. Dr. Bhoendradatt Tewarie): Mr. President, with regard to the interim report of the Special Select Committee appointed to consider and report on the Planning and
Facilitation of Development Bill, 2013, I move that the committee be allowed an extension of one month in order to complete its work and to submit a final report to the Senate.

**Sen. Al-Rawi:** Mr. President, are we putting this—is this a Motion before the Senate?

**Mr. President:** Yes, I will put the question.

**Sen. Al-Rawi:** Thank you, Mr. President. I wish to say something.

**Mr. President:** I am not sure that you could debate the matter. It is just a question of whether you vote in favour or not.

**Sen. Al-Rawi:** Then just for your direction, Mr. President.

**Mr. President:** For clarification, you may.

**Sen. Al-Rawi:** Thank you, Mr. President. Insofar as Motions can be put for a debate and something could be said, could you guide me on how it is I may be permitted to join in a small remark?

**Mr. President:** When the report is ultimately submitted to this Senate, no doubt we will have a debate on it. But this is just a question of whether we should extend the time for filing, and it is restricted to that issue that I am required to raise the question before this Senate.

*Question put and agreed to.*

**DOG CONTROL (AMDT.) BILL, 2013**

*Order for second reading read.*

**The Attorney General (Sen. The Hon. Anand Ramlogan SC):** Thank you very much, Mr. President. I beg to move:

That a Bill to amend the Dog Control Act, 2013, be now read a second time.

Mr. President, perhaps I should start by reminding us of the status quo with respect to this piece of legislation. It was in fact on July 10, 2013, that we had this Bill passed in the Senate, and you may recall during the committee stage certain suggestions were made and that being the final day of the Third Session of the Tenth Parliament, we had taken a decision that we will pass the Act because in principle there was support for it, but that suggestions which were made I would in fact consider them and come back with amendments if deemed appropriate.

I am pleased today to fulfil that undertaking which I gave to the Senate [Desk thumping] to come back today and to present amendments which are consistent with suggestions made during the course of that debate. I particularly want to
place on record my gratitude for those Senators who were here at that time on the Independent Bench and accepted the invitation to make suggestions in writing as they did. Many of those suggestions are in fact incorporated in the amendments today.

This Bill has received widespread, not just popular, but political support, Mr. President. In fact, in the other place, 36 Members voted for the Dog Control Act, one Member voted against and there were no abstentions. In the Senate, 28 Senators voted for it, one Senator voted against and there was one abstention. So, there has been widespread cross border political support for the Dog Control Act. I think it underscores the gravity of the issue that this law attempts to treat with in our society.

Now, in developing that Act, there was stakeholder consultation because there was a prelude to it. You may recall that the Dangerous Dogs Act of 2000 had remained on our books for over 10 years. That law had at the core a policy which aimed at the extinction and absolute prohibition of dangerous dogs. So that there was a law passed by Parliament in 2000 which sought to treat with this problem, and that law basically banned pit bulls. You could not import it, you could not breed it, and basically those that were already there the idea was to, by a process of attrition, it would lead to virtual extinction.

We attempted to proclaim that law when we came into office, but there was a public outcry from the dog lovers and the animal rights groups, and the Government listened to that public outcry. Some people have criticized us for doing so and said that the Government should simply have gone ahead and banned the pit bull. We listened to the cries of the dog lovers and the animal rights owners, and in so doing, in listening to them, we thought we would pause for a cause and have stakeholder consultation.

The Law Reform Commission received submissions and actively engaged members of the public. We received submissions and met with the representatives of the Association of Trinidad and Tobago Insurance Companies, the dog breeders, dog operators and dog trainers, the Federation for Canine Registration of Trinidad and Tobago, the Trinidad and Tobago Society for the Prevention of Cruelty to Animals, the Animal Welfare Network, the Trinidad and Tobago Veterinary Association and, of course, a host of persons who would have submitted submissions to the Law Reform Commission.

Now, today, Mr. President, what is in fact before this Senate, really are the amendments to the Dog Control Act, and I say that because there is a tendency to rehash the debate on the Dog Control Act, but that is an Act that has already been
passed by both Houses of Parliament. Today, what is before us—and I would like us to focus our attention on that—is really the amendments to the Dog Control Act, and it will be good if we could speak to those amendments because it does not really make sense to rehash and regurgitate what went before when the Act was passed, having regard to the fact that we spent many long hours during the course of that debate. In fact, the Standing Orders so provide that we are to focus on the business that is before the Senate.

I mentioned, Mr. President, en passant, that we were criticized for listening. Permit me to quote from the contribution of the hon. Leader of the Opposition, Dr. Rowley on May 08, 2000, when this matter was debated in the other place, to explain to the population what is the position of the Opposition in this country on the issue of the Dangerous Dogs Act and the Dog Control Act.

2.45 p.m.

This is what the Leader of the Opposition said, and I quote:

“We are happy that this Bill is before the House today to get our support to do what…should have been done since the original attempt to remove the menace from the public place.

The Attorney General—and one can be very charitable to him and say, okay—now he has a better understanding of what these dogs are and he has just said so. The more he has read about these dogs, the more it has come across to him that these animals are, in fact, dangerous. Maybe at the time when the Attorney General was listening to interest groups saying that the dogs are nice and loving pets; and maybe we should not ban them or destroy them at that time”—maybe the Attorney General—“did not have the information which has convinced him now, as he has said, that notwithstanding what the current owners might want to say, these animals are, in fact, very dangerous.”

So what Dr. Rowley was saying is that maybe when I was listening to the interest groups when they were saying the dogs are nice loving pets and so, I did not fully appreciate how dangerous these dogs are and the consequences. He followed up on that as Leader of the Opposition to indicate what the PNM’s position was and said:

“The one thing that is not in dispute—not even the owners themselves can dispute—is that the fundamental issue with these dogs is not that they are vicious and is strong, but that they are unpredictable. It is the unpredictability
of the dog. That is the problem because you never know what they will do. If the dogs decide to attack—as the record shows—the attack poses a threat to the public. That is the issue.

Mr. Speaker, to say that other dogs are dangerous is not the issue. Other dogs are dangerous but their pattern of behaviour is relatively known and can be anticipated.”

We are therefore disposed to supporting this Bill totally.

So, the PNM’s position was they supported the Bill totally. That includes the policy of the Bill and the provisions in the Bill. And the policy was, we had moved as a Government from banning pit bulls to responsible dog ownership whereby we would have responsible ownership of dogs including the pit bulls. So, instead of going for virtual extinction of pit bulls, we shifted the paradigm and we went—“well look, people saying they have a constitutional right to own the dog of my choice, my pit bull does play with meh baby in the cot, the dog ain’t dangerous, all yuh talking rubbish.” All sorts of things. So, we said, “okay, we will not go for extinction, we will not ban the pit bull, but we will have regulations and restrictions to govern the ownership of the pit bull”.

That is why you have now in the law that was passed, just by way of recapping, the registration licensing provisions, the prohibition in certain public places, an obligation to secure your premises with a fencing requirement, the policy of insurance to ensure that there is compensation for victims, the obligation not to abandon the dog, the need for training, the liabilities that attach to it and, of course, the severe penalties that come in the criminal law.

Mr. President, my colleagues will no doubt speak to the powerful and poignant human interest stories that have emerged in our press and media from the victims themselves. But just a cursory glance, “Boy 11 killed by pit bull”; “Boy six critical after attack by bit pull”; “Neighbour’s pit bull maul pregnant mom”; “Housewife may lose leg after pit bull attack”; “Deadly dogs kill security guard”; “Two pit bulls attack a woman”. And that was a woman by the name of Karen Lara who has given us permission to cite her experience, but essentially here was a young 22 year old graduating with a BA in fashion design—could be any of our children, our niece—and she had gotten a job to work in a carnival production band. She had her whole life ahead of her, and when a pit bull attacked her, the dog viciously bit her eight times on her face, once on the arm, once on the side and once on the leg; eight times in a vicious attack on the face of a young woman who had her whole life ahead of her. This is what she said and I quote:
My life has changed so much since the incident. I still live in fear of dogs and animals. I am afraid to walk out of my house. I am afraid to go into residential areas. I stay inside and I rarely go outside. I am going through the worst aftermath ever in my life. I am no longer independent. I am no longer working and supporting myself.

When it comes to a woman you could imagine the untold horror, Mr. President? Your marital prospects are affected, you are bitten eight times on the face. Your employment prospects are down, and when we listen to the animal rights and the dog lovers, they focus their attention on every issue except the issue of compensation for dog-bite victims in this country. No one focuses on the victims. You hear about every sing-song and swansong, but you never hear a single word uttered about the victims.

When I was walking to come to today’s Senate, a lady rushed out and spoke to me. There was a protest outside, and she said her daughter had been bitten and she said to today’s date the man whose pit bull bit her daughter and chewed up her mangled, “osterized” flesh and spit it out on the ground, that person today “buy” three more pit bulls and never once even helped her to buy a Pampers for her child. Not once!

So when we debate about all this highfalutin, philosophical, ideological issues here, what it boils down to, is not having a Pampers to put on your child after the dog attacked her buttocks and excavated from the child over a pound of flesh, the blood and the flesh. That is what it boils down to. And we do not talk about those things here. But when we pass law, laws are meant to govern and regulate human beings. So, I make that point because when I was coming the mother braced me and asked me, she said, “All yuh could do anything for meh to get a lil change, a lil money. This man rich and he could afford”—she says—“the dog chow he buying, the money he spending on dog chow, all yuh cyar make him set aside a lil bit ah dat to give to meh chile?” She said, “dat man does load up he dog in ah air condition SUV where all the seats are removed. The dog driving in air condition and he goin’ by de vet and the dag getting injection. The dag getting injection”, she say, “and my chile dat dat man dag bite up, I doh even have money to buy tablets and to take my own chile for an injection”. That is her raw, unvarnished reality. Let us confront it for what it is.

You know, Mr. President, since we passed the Dog Control Act, there was a tragic incident that revived the urgency for this legislation, and it was the death of a grandmother Lillian Bunsee. The lady was 82 years of age; her son apparently would breed pit bulls and she went to feed the dog and the pit bull attacked the
grandmother. People stood on rooftops trying to pelt bricks. The dog had broken free, and this is what the Trinidad Express reported, after the police came—and this is what the Express reported from an eyewitness:

“After the first two shots the dog was still biting the woman, like the shots did nothing to it. The police had to shoot it four more times before it stopped”.

Four times at point blank range in such close range they had to shoot that dog to let go of this poor grandmother. It was a most tragic and horrible but yet most powerful reminder of the need for this legislation.

Mr. President, I turn to the issue of the need to treat with dangerous dogs because there is a pressing and growing need in our society for it. We have shifted the policy and we have gone instead of outright banning to responsible ownership. We are trying to compromise as a Government by listening to people. We have been criticized by the Opposition for doing that in this respect. Dr. Rowley seems to have hinted that they would have preferred that we simply proclaim the 2000 Act which banned the pit bulls altogether.

We say, we listened to people, we will compromise, we will allow you to own the dog of your choice but we impose some restrictions. So, we are trying. And, in striking that compromise, there are different options that have been put forward for the Government to consider. I will examine those options today and I want us to listen carefully when I twist, turn, dissect and bisect these options for us to understand what it would mean to the man on the ground because it sounds nice, but in reality it may be a different thing.

The first issue is people objected to the focus on the dog owners. Some people said, well, I cannot be responsible for the actions of my dog. People actually said that. They say you are focusing on—you want to send me to jail if my dog bite up somebody, and I want to say today, the Government position is, yes, you must go to jail if your pit bull attacks my child and deforms and defaces, maligns and mauls my child. Yes, you must! That dog is your responsibility, and you cannot divorce yourself from that responsibility that you accept if you take it upon yourself to have a pit bull but refuse to observe the requirements in law to safeguard and protect the public. So, do we focus on the dog owner in addition to the dog, the answer is, yes. Do we make any apologies for that, the answer is, no, because we firmly believe, properly trained, even a man can become dog’s best friend. [Laughter]
Mr. President, people say the dogs need training alone. I feel some of the owners need to have training, they must be educated, they must be responsible and they must make informed and intelligent decisions when it comes to dog ownership. The man on the ground say, the pit bull is the poor man’s gun, you do not need a licence. The pit bull is the poor man’s gun. Well, that is why, that is precisely why there is a licensing requirement and regime to own a firearm, because not everybody could responsibly own and use a gun. And if the pit bull is the poor man’s gun, well, likewise the State must intervene to ensure that we regulate who could own that gun. Not everybody has the temperament, not everyone is responsible enough, and that is why we have to be careful about it.

Now, Mr. President, when the legislation was passed in 2000, it simply banned the pit bulls. When we met with the vets and so on, they pointed out to me that pit bull is apparently not a breed. It is not a breed, so they made the point that the legislation which was passed in 2000, from their standpoint was defective because it really ought to be, if you are going with breed-specific legislation then it really ought to identify the breed of the dogs that you are targeting and pit bull is not a breed. Now, when they say that, there is legislation in many countries that did exactly that, which is to ban the pit bull and they did not go into any breed. But, I listened to them and I said, okay, the other point that you are making is one that finds favour and that is that there is a wide variety of pit bulls and not all of them are dangerous. That was the submission made.

I said, well, look, if I ban pit bulls, I will ban all the dogs for all the variety of breeds that are subsumed under that particular type of dog known as a pit bull. So, I said, okay, I listened to you, I am going to remove the term “pit bull” from the Schedule and I will put the breeds of pit bulls that are easy to identify, that are commonly known and that would be reflective of the pit bull we see all over the place that is causing this problem. And that is why we came up with the list and we are today expanding that list to include the American pit bull, the American Staffordshire terrier, the American bully, to add to what we had before which was the Fila Brasileiro, Japanese Tosa and Dogo Argentino.

Now, I want to say, Mr. President, if people want the Government to go back to simply banning the pit bull, I have no problem with that. The law in 2000 which was passed banned pit bulls simpliciter, and any dog that come under the heading “pit bull” will be banned. So, whether it has pit bull that is nice and loving, looking like a pompek, resembling a pot hound, I really do not care. They will all be banned.

But the Government here is being faulted for listening and trying to achieve a social and political compromise, and I want people to understand that.
So, if today, the position of the Opposition, the position of any of my colleagues on the Independent Bench, is “Go back to banning the pit bull” and let the chips fall where they must, I have no difficulty with that. But the representations which were forcefully put forward is that pit bull is not a breed, it is a type of dog, and there is a wide variety of breeds that would fall under the classification of a pit bull. So, it was based on that, that we then agreed to have the various breeds put in.

Now, the formula that we have used is one, Mr. President, that treats with the characteristics of the dog and the legislation—this thing is not an exact science, you know. I mean, how do you tell when a person is a “dougla”, when is a mixed person really mixed, when is a Chinese really a Chinese?

Sen. G. Singh: Stop talking about Stuart like this. [Laughter]

Sen. The Hon. A. Ramlogan SC: “Nah, nah”, Stuart—[Crosstalk] [Laughter] I welcome my colleague from the legal profession, Sen. Stuart Young, to the Senate. I think it is very good [Desk thumping] to have some legal minds on a debate such as this, and I am sure he will bring a unique social perspective to bear. But, the point is, how do you determine—answer these questions? Mr. President, there is no exact and precise science on this matter. None! You cannot tell to an exact fault and science when a pot hound is a pot hound because it could be mixed with something. I mean, look at Sen. Wheeler, “how yuh go characterize de poor fella as? Yuh see?” I mean, he is mixed; he probably has a “callaloo” of ethnic mixtures and cultural influences, so you cannot tell. The same point they made—[Crosstalk] And he is a wonderful gentleman, a fine gentlemen.

But, the short point is there is no scientific way to determine with any degree of precision to the very last decimal point how to tell the breed of the dog. That is what the research has shown. And it is for that reason, the Government has taken the position, consistent with other jurisdictions, that we are going to rely on the Kennel breed standards, so that you will use the guidelines they have established, and that will guide and inform the decision and the classification on the dog. That way, Mr. President, if the dog has the predominant characteristics of one of the breeds that are in the Schedule, then it is a dangerous dog.

Now, permit me to quote, for example, the law of Manitoba in Canada. Canada is a very progressive country. Those of us who have visited Canada, you will know it leaves you with a very clean, positive impression of the country. It is a very civilized, mature, functioning democratic society and the place is well-established for how clean and regulated and ordered and disciplined it is. This is what section 71 of the Manitoba law states:
Prohibited dog breeds.

“A dog which has the appearance and physical characteristics predominantly conforming to the standards of…the Canadian Kennel Club…”—for any pit bull terrier, American Pit bull terrier, Staffordshire bull terrier or American Staffordshire terrier is banned.

So the exact formula that we have used, it is there in the Canadian legislation. It is the exact concept and formula, and it relies on the physical appearance and characteristics of the dog and they identified the breeds.

They also provide that an owner can obtain a written opinion by a veterinarian retained by the Chief Operating Officer as to whether a dog falls into that category. So what they do in Canada is that the government has vets and if you are not sure, bring the dog, the vet will check it out and tell you if it is a dangerous prohibited dog or not. Simple. When we had proposed that, people say, ‘Well, no, no, do not go there. Why should the Government alone be able to tell people the breed of the dog, we eh want that.” So I say, “Okay, fine.” I understand the practical side to the thing. “If the Government vet go test the dog to tell yuh if is ah pit bull or not”, then it means that the private practice of the vets as well may be affected. So I said, look, I could understand that, no problem. I am not going to say that the Government alone should test the breed of dog. Leave it—veterinary surgeons on the whole could test, no problem. So I conceded on that.

Mr. President, the breed standards—this is the breed standard for one dog. It is about 20 pages and the detail that they go into, starting from the nose of the dog to the end of the tail, they literally described in minute detail every single aspect about the physical appearance of the dog. I mean, to have read it, it reminded me when I was doing my masters and doing intellectual property, when you are drafting patents. Because when you are drafting a patent application, you have to describe the invention with such unique and such precision—the uniqueness and the precise nature of the invention have to be described that corner to corner it is covered, and that is what they did with these standards. I mean, from colour, the jaw size, the faults, the head, the teeth, the jaw, the eyes, the neck—I will pass this to my colleague, Sen. Devant Maharaj, who will, perhaps, use that as a little reference material.

But the point is, the breed standards, they go into every single minute aspect of the dog’s physical characteristics and appearance. So that it is a very good guideline, and I could well understand why Canada and other jurisdictions have, in fact, adopted that as a template to exercise the discretion in deciding what kind of dogs they are.
Now, the third issue which we had to consider is whether there is law to guide what we are doing. You know, my team at the office spent many long hours and I want to pay tribute to the hard-working public officers. [Desk thumping] They spent long hours researching this matter.

Mr. President, there is jurisprudence on the Canadian legislation, and it is very helpful and it guides us because the Canadian judiciary is not one that is known to be far-left, far-right—in fact, they have a very balanced development of jurisprudence in their country. Permit me to cite the case from the Court of Appeal from the Maryland, USA, Court of Appeals. It is Dorothy M. Tracey v. Anthony Solesky and Irene Solesky, parents and/or guardians and I quote:

“The present case involves an attack by a pit bull named Clifford. Notwithstanding his relatively benign name, Clifford possessed the aggressive and vicious characteristics of both Trouble and Rampage. He escaped twice from an obviously inadequate small pen”—in the landlord’s property—“and attacked at least two boys at different times on the same day.”

The pit bull attacked the two boys from the property.

“The second…boy was Dominic Solesky. As a result of his mauling by Clifford, Dominic initially sustained life threatening injuries and”—had to undergo—“five hours of surgery at Johns Hopkins Hospital…”—he had—“to repair his femoral artery”—and addressed various other injuries. “He spent seventeen days in the hospital…he”—had to undergo—“additional”—consequential—“surgeries and”—after that, he had to spend an entire—“year in rehabilitation.”

The judgment of the court: the court answered affirmatively the landlord’s question of whether:

“…haboring the American Staffordshire Terriers (more…known as ‘pit bulls’) by tenants an inherently dangerous activity…”

Whether this was an activity, therefore, which the landlord should be held strictly liable. So the landlord rent out his place, the tenant owned a pit bull, the tenant’s pit bull bite up somebody and they charged the landlord. The landlord say, ‘But wey yuh coming at me, I did not even know the man own ah pit bull’’. They say, “No, no, it is ah crime ah strict liability, partner. You are not supposed to have no pit bull on your premises so whether you rent it out, it eh matter.”

This is what the court had to say. The court said and I quote:
“Because of its aggressive and vicious nature and its capability to inflict serious and sometimes fatal injuries, pit bulls and cross-bred pit bulls are inherently dangerous.”

From the Maryland, United States, Court of Appeals; that is what they said. Based on:

“The sources and discussions…”—of the court—“coupled with…extensive dicta in”—the case of—“Matthews”—v. Amberwood Association Limited. Partnership—“…and the numerous instances of serious and often fatal attacks by pit bulls throughout the country, and especially in Maryland,”—the court is—“persuades…that the common law needs to be changed in order that a strict liability standard be established in relation to attacks by pit bull and cross-bred pit bull mixes.

In that case the plaintiff has established a prima facie case of negligence. When an attack involves pit bulls, it…”—shall—“no longer”—be—“necessary”—in a court of law—“to prove that the particular pit bull or pit bulls are”—in fact—“dangerous”—animals.

In this case, they have established that the dog has now been viewed by the law as inherently dangerous. So the court has said that you do not need to prove the dog is dangerous, the dog will be presumed to be a dangerous animal.

I take you next to the Ontario Court of Appeal. That was the United States jurisdiction before, Maryland. That was the Maryland Court of Appeals, and the date of that judgment was April 26, 2012. So these are not old cases, but very recent cases. In 2012, in Maryland in the United States of America, they said that the pit bull is considered by the court to be an inherently dangerous animal.

We go next to the Ontario Court of Appeals, the case of Cochrane v. Ontario (Attorney General), 2008 ONCA page 718. In this case, a dog owner brought a constitutional challenge to the law. They were challenging the law banning pit bull. So, in Canada, they banned the thing outright, they banned it, you cannot own one at all. In this particular judgment, this is what happened in Ontario: The appellant:

“…argues that a total ban is grossly disproportionate to the risk pit bulls pose to the public…”

So they were challenging the constitutionality of the law on the basis that you have banned all pit bulls and that is disproportionate because when one considers that the risk they pose to the public to ban all pit bulls, that is a disproportionate and therefore unconstitutional measure and position to take. They say ban some if you want but do not ban all. Then they had a second limb to that. They say, furthermore:
“...the law fails to provide an intelligible definition of pit bulls”—and it—
“rendering the law unconstitutionally”—because the definition is—“vague.”

So it is a two-pronged attack. One, it is disproportionate—you banned all pit
bulls; two, the definition of what is a pit bull is very vague, “all yuh say is pit
bull”. This is what the distinguished and eminent Justice of Appeal Sharpe had to
say in the course of his judgment. The court:

“...agree with the application judge’s conclusion that the total ban on pit bulls
is not”—in fact—“arbitrary’ or ‘grossly disproportionate’ in light of the
evidence that pit bulls have a tendency to be unpredictable and...even
apparently docile pit bulls may attack without warning or provocation…”

The court concluded that the ban is not arbitrary or disproportionate. They go on
with respect to the vagueness of the definition of what is a pit bull, this is what the
court had to say—and remember we have modelled ours on the Canadian
legislation.

3.15 p.m.

“The core of the definition is the reference in”—section 1—“to the three
named breeds that have defined physical characteristics that are accepted by
kennel clubs and dog breeder associations. That well defined core is not
exhaustive, but it provides a point of reference that identifies the essential
physical characteristics for pit bulls.”

It was the Court’s view that given the subject matter and the importance of the
objective, the provision gives sufficient guidance.

So this is Justice of Appeal Sharpe, saying: “whoa, oh oh oh, whuh yuh mean
it eh giving sufficient guidance in the definition”. The definition refers to the
standards used by the kennel clubs and that describes the dog, from “de mole on
he head go straight back to the end ah he tail”. What more could you want? I
mean, the only thing you could want more than that is “for we to take ah picture
of every single pit bull it have in Trinidad and Tobago and put it up somewhere”.
I mean, let us not be absurd.

So this is the Ontario Court of Appeal speaking, and they said that the formula
we are using in Trinidad and Tobago is constitutional, it is lawful and it provides
sufficient intelligence, enough for a vet or a dog owner to make an informed,
intelligent decision about the dog they intend to own, continue to own, or buy in
the first place.
Mr. President, Trinidad and Tobago is being left behind. We have adopted a formula that has long been used by other countries in the world. In Massachusetts they use the same definition. In Ontario, with a population of—you know the population in Ontario is over 13 million people—13 million people—and in Ontario they have one of the lowest dog bite per capita—in the population, as compared to anywhere else in the world because they banned the pit bull. You know, in the city of Winnipeg, they have a complete and outright ban on pit bulls—complete and outright ban. And what does the legislation say?

You are prohibited from bringing—“into the City of Winnipeg, or being its owner,”—or allowed to be—“in the City of Winnipeg, a dog which has the appearance and physical characteristics predominantly conforming to the standards of”—any—

And they list the Canadian Kennel Club and so on. So it is the same thing. It is the same thing.

In the United States of America—the State of Iowa, Colorado, Michigan, Missouri, Tennessee—same legislation; exact, same concept; exact, same type of legislation. Of course, in the City of Winnipeg, we have copied ours and based it and modelled it on the legislation there. Now, let me turn to what are the options. What were the options available to the Government? Because I will have to examine those options carefully, so that we could understand but before I do so, I want to cite a little more learning on this subject.

Mr. President, let me read from an abstract of a study entitled:

“Mortality, mauling, and maiming by vicious dogs.”—by Bini, Cohn, Acosta, McFarland and Muir.

It was published in the Annals of Surgery 2011 Volume 253; Issue 4 at pages 791—797. And this is what the distinguished joint team had to say about this issue:

“Maiming and death due to dog bites are...preventable tragedies. We postulated that patients admitted to a level 1 trauma center with dog bites would have severe injuries and that the gravest”—of those—“injuries would”—have been—“caused by pit bulls.”

So the medical profession has written on the matter of dog bites. And let us hear what they have to say:
“We determined the demographic characteristics of... patients”—during a 15-year period.

So they studied this thing for 15 long years.

“We determined the demographic characteristics of the patients, their outcomes, and the breed and characteristics of the dogs that caused the injuries.

Our Trauma and Emergency Surgery Services treated 228 patients with dog bite injuries; for 82 of those patients, the breed of dog involved was recorded...”—as—“(...pit bulls). Compared with attacks by other breeds of dogs, attacks by pit bulls were associated with a higher median Injury Severity Scale...”

So on the Injury Severity Scale, attacks by pit bulls, over a 15-year period, registered the worst.

“...a higher risk of... admission”—on the—“Glasgow Coma Scale... higher median hospital charges... and a higher risk of death...”

So a 15-year period of study demonstrated that on every established and internationally recognized scale for measurement, the pit bull came out the worst. And let me repeat those scales: the Injury Severity Scale; the Glasgow Coma Scale, the higher median hospital charges—meaning it cost the victim and “dey mudder and fadder” more money.

“...and a higher risk of death...

CONCLUSIONS: Attacks by pit bulls are associated with higher morbidity rates, higher hospital charges, and a higher risk of death than... attacks by”—any—“other breeds of dogs. Strict regulation of pit bulls may substantially reduce the US mortality rates related to dog bites.”

So they were advocating, in the United States of America, that they do something about the pit bull.

Mr. President, I take you next to the Orlando Sentinel, a column by Colleen Lynn published on May 24, 2013:

“Whether to ban pit bulls is a human health and safety issue that should be steered by health and safety officials.”

And then she makes a powerful statement, she said:

“Public safety is not the profession of animal advocates.”
And I want to repeat that.

“Public safety is not the profession of animal advocates. Thus, public policy coming from animal advocates concerning protecting humans from pit bulls is fundamentally flawed.”

“She say if yuh relying on the people who own dog to tell yuh what to do to protect people from de dog, well yuh going down the wrong road.”

So the animal rights groups and the lobbyists, we have listened but do not take our receptive approach to these matters as a sign of weakness. The Government will not be bullied on this matter because we stand firm in our conviction and commitment that this is an issue that requires immediate legislative intervention to protect the poor, innocent, and defenceless from attacks by dangerous and vicious dogs. [Desk thumping] Mr. President, she continues:

“…—93 percent—”—of those Americans who have been killed thus far—“were killed by pit bulls and pit mixes. This is well above the average of 60 percent from 2005 to 2012.

As the pit bull population rises, more human fatalities ensue.

Miami-Dade County,”—in America—“which banned pit bulls in 1989, has avoided this loss of life.”

She says.

So in Miami—“where we have plenty Trinis living, dey ban pit bull. Dey eh complaining up dey yuh know. I eh see nobody leave Miami-Dade County to run back to Trinidad becoh dey cyar own ah pit bull. Dey cool and calm up there and they subject themselves to the law and dey buy a lil pot hound and dey cool with dat.” But here, everybody wants to act up—no problem. That is your constitutional right and we respect that, and we will listen, and we will continue to listen because we learn when we listen. But you must understand that “yuh cyar please everybody” and give them everything they want, or else the legislation will turn out to be lopsided and biased. She continues:

“The threat from pit bulls results from the combination of the animals’ inclination to attack without warning—an essential trait of fighting dogs—and the type of injuries that pit bulls typically inflict.

Most dogs bite and retreat, but pit bulls have a hold-and-shake bite style, and”—they—“tenaciously refuse to stop”—once—“an attack”—has—“begun.”
Now, “yuh know yuh could have ah hundred vets here telling yuh that dais not true”. And they have told me, to my face, that is not true but when you read from the—when “yuh” talk to the people who are the victims—when “yuh” talk to the poor, traumatized police officers who—shooting at this animal, not once or twice at point blank range and the dog will not let go. The victim’s “osterized” flesh held in a vice grip, in the jaw of the pit bull and it will not let go; it is biting down into the flesh, into bone. And police officers are shooting at it and it will not let go. That is the raw reality on the ground.

“Often a pit bull...”—I quote—“releases its grip only when dead—the trait dog fighters describe as being ‘dead game’.

Ban opponents...”—These are the animal rights group and so on—“often blame dismembering and fatal attacks...”

And this is a very important point, eh. No one made this point in the debate. She says:

“Ban opponents often blame dismembering and fatal attacks on environmental factors, such as neglect. That, unfortunately, is the plight of too many dogs of all breeds, not just those who kill and maim.”

“She say: well you know, they “does” say well look, the pit bull is a nice dog; it only attacked the child because the owner never used to feed it good; he never used to pet it; and he never used to bathe the dog. So the dog attacked the child “becoh de dog was neglected”—you see? But she makes the point, if that is so well pot hound should be biting “people children” left, right and centre.

“My neighbour had a pot hound; I never see dat dog take ah—dey never bathe dat dog one in 10 years. The dog never geh sick; the dog never gone by ah vet—nutten”. Pot hound—they have stamina and endurance. “I see pot hound—I walking home from school and outside KFC on Library Corner, outside Carnegie Free Library, is mad rush on ah evening becoh the pot hound and de vagrant rushing to dive in de KFC bin to pick up dey lil snack box and ting. And I never see de vagrant fighting off de pot hound and I never see da pot hound bite de vagrant yet. And nobody eh even taking care ah do pot hound.”

Sen. Maharaj: Or the vagrant.

Sen. The Hon. A. Ramlogan SC: Or the vagrant, yes. And maybe, the way “da vagrant will be, if de pot hound bite him the vagrant might bite him back.” But the point I am making—the point I am making is that she makes a wonderful point that the pit bull owners say: every time a pit bull attacks somebody, there is a logical explanation. They do not blame it on the dogs’ inherent and innate
characteristics, predilections and propensities. They say it is because of extraneous, extrinsic factors, such as how the dog was being kept and the lack of love and so on but if that is so, all other dogs would be considered equally potentially dangerous and they would have been biting people—and “dat eh happening”. She says:

“Of the 4.7 million Americans bitten by dogs each year, 9,500 require hospitalization for severe dog-bite injuries. The most extreme injury level, mauling injury, requires life-saving procedures at trauma centers.

Since 1986, 18”—Court of Appeal—“decisions have upheld lower-court findings that pit bulls are more dangerous than other…breeds”—of dogs.

So 18 Court of Appeal decisions have done that. She says:

“In April, 2012, the highest court in Maryland declared the pit bulls”—as being—“‘inherently dangerous’…and…a strict liability standard” was imposed.

“Colleen Lynn”—the author of this article—“is the founder of DogsBite.org, a national dog-bite victims’ group dedicated to reducing serious dog attacks.”

So “yuh” see—[Interruption]

Mr. President: For your attention, Attorney General, you have 10 more minutes.

Sen. The Hon. A. Ramlogan SC: Yeah. Thank you very much, Mr. President.

I take you next to an article written by the co-founder—“becoh people go say she is dog bite victims. I take you next to an article by the co-founder of the People for the Ethical Treatment of Animals because this is an animal rights activist. And this is Ingrid Newkirk, president and co-founder of PETA. And she says in the San Francisco Chronicle on Wednesday, June 8 2005. She says:

“Most people have”—the—“idea that…many animal shelters across the country, any pit bull that comes through the front door…”

Sorry.

“Most people have no idea that at many animal shelters…”—This is for you—“across the country, any pit bull that come”—in—“through the front door doesn’t go out”—through—“the back door alive.”

And this is the co-founder of—[Interruption]

Sen. Maharaj: PETA.
Sen. The Hon. A. Ramlogan SC: PETA. She says:

“Here’s another shocker: People for the Ethical Treatment of Animals, the very organization that is trying to get you to denounce the killing of chickens for the table, foxes for fur”—and—“frogs for dissection,”—we support—“the shelters’…policy, albeit with reluctance.”—But we are forced to—“encourage a ban on”—the—“breeding”—of—“pit bulls”.

3.30 p.m.

“The pit bull’s ancestor, the Staffordshire terrier, is a human concoction, bred in my native England, I’m ashamed to say, as a weapon. These dogs were designed specifically to fight other animals and kill them, for sport. Hence the barrel chest, the thick hammer-like head, the strong jaws, the perseverance and the stamina. Pits can take down a bull weighing in at over a thousand pounds, so a human being a tenth of that weight can easily be seriously hurt or killed.”

Too many people see pit bulls being used as cheap burglar alarm systems. They have torn the faces and fingers of infants and even police officers.

“Those who argue against a breeding ban and the shelter euthanasia policy for pit bulls are naive, as shown by the horrifying death of Nicholas Faibish, the San Francisco 12-year-old who was mauled by his family’s pit bulls.

Tales like this abound. I have scars on my leg and my arm from my own encounter with a pit. Many are loving and will kiss on sight, but many are unpredictable. An unpredictable Chihuahua is one thing, an unpredictable pit is another.

People who genuinely care about dogs won’t be affected by a ban on pit-bull breeding. They can go to the shelter and save one of the countless other breeds and loveable mutts sitting on death row. We can only stop killing pits if we stop creating new ones. Legislators, please take note.”

The Baltimore Sun, Dan Rodricks, published on April 30, 2012, he makes the point that the pit bull is inherently dangerous and he says:

“…reports cited in the opinion from the Journal of American Veterinary Medical Association, it found that in 1976 through to 1996, dog attacks resulted in more than 300 fatalities in the US and most of the victims were children.”
A study entitled: Effectiveness of Breed-Specific Legislation in Decreasing the Incidence of Dog Bite Injury Hospitalizations in People in the Province of Canada, Manitoba, was published by a critical British medical journal, a very respected journal. And they concluded: dog bites, especially to children, are preventable. And they said that basically they supported breed-specific legislation. Even the doctors have supported breed-specific legislation. This is what they had to say:

“Bites from pit-bull-type dogs are thought to be more often associated with fatal or serious injuries as a consequence of their size, build, and musculature. At a level 1 trauma centre in Texas...people attacked by pit-bull...were associated with significantly higher Injury Severity Scores...”

et cetera. They have repeated the same thing.

In the United Kingdom, where they produced a dangerous dog law enforcement guide, this is what they say:

Prosecutions can be brought before a court based on just the physical characteristics of the dog, that is to say what it looks like.

And the whole guideline, the book when you look at it, they are providing guidelines just like what we have here. The guidelines to the dog handlers in England refer to the whole: height, weight, size, shoulder-to-shoulder. They describe the physical characteristics of the dog. So when people say: “well yuh know doh go by dis, go by something else” they are not telling us what the something else is. All over the world they are doing it the same way and that is how they treat with it.

Now, Mr. President, there is so much more to say on this matter, but my colleague, Sen. Maharaj will treat with it. But, just to tell you countries that have banned pit bulls outright or have breed-specific legislation: Bermuda, Denmark, Ecuador, Norway, Venezuela, Portugal, Puerto Rico, Romania, Singapore, Spain, Turkey, Ukraine, Germany, France, Ireland, Malta, New Zealand, Poland. And then you have several states in the United States of America and so forth.

In some of these countries, whilst we are now debating this matter, in the case of Ontario, for example, this law is 24 years old. In the case of Winnipeg, Manitoba, the law is 35 years old and 26 years old.

Now, can I just quickly turn to the issue which some people have raised? “Dey say doh classify de dog by breed, classify it by weight. Dey say go by weight.” You know that is very—“yuh know wha dey say when yuh do dat?
Dey go say: ah. Ah man go sing a calypso about roolly polly dog next year. Dey go say yuh targeting fat dog because yuh going by weight.” No that was the suggestion. “Dey say fuh 25 kilogramme, above dat, dangerous, below dat, not dangerous.” So we must target the fat dog now. So what would people do? Men will breed their pit bulls and they would be lean and mean killing machines. They will ensure that they come in just before the cut and then “weigh dem, get the licence and then feed them what dey want.” It is that simple. So that cannot work.

Moreover, I have not seen anywhere in the world that they use this as a criterion for deciding which is a dangerous dog or not. But more than that, there are several other dogs that will be classified as dangerous and they are not dangerous. Lassie will be caught in that. The Golden Retrievers, nice dog, that “a lil heavier” but they have no demonstrative propensity for vicious attacks, so they will be caught by that. So I reject that as a formula and that is a suggestion of the Veterinary Association. The Government does not accept it. We think it is impractical, unworkable and unrealistic.

Mr. President, I mean, we just have to look at carnival. “People does starve dey self three months before carnival, join de gym, lose weight, pot belly gone, dey prancing around the streets and then after carnival, dey start back putting on de weight.” So you really cannot go with that.

The second thing they use is the bite force capability. The problem with the bite force argument is this: if you are going to target dogs with a particular bite force, are you not going to “end up back” with the same pit bull? “Then dey go say yuh” targeting dogs with bite force because the bite force potential of the dog will translate into breeds because the dogs themselves, the data will manifest itself in certain breeds of dogs. So you come back to square one. So the bite force potential argument, that is in fact rejected.

In an article by Dr. Richard Pelosi, animal behaviour expert, he says the dog bite force is difficult to calibrate and my colleague, Sen. Maharaj will speak more to that, but basically he described it as a nice-sounding idea that really makes no sense at all.

The next thing is “dey say yuh cyah go by physical appearance, dey want DNA testing fuh dog. Dey say it have genetic testing fuh dog.” I want to ask the vets and the people who “say dat”, in one breath they came and they said: we cannot tell you “dat dah is ah pit bull”. We cannot tell you what kind of breed it is. So they said they need genetic testing of the dog and in one breath they are saying that they cannot identify the dog and you know, half an hour later “like dey forget
wha dey say and dey say well one of the consequences of dis law yuh passing, it go hah plenty dog being leggo. Plenty people go leh go dey dog, stray dog”; pit bulls would be left to roam on the streets. Then I asked the question: “how dem know is pit bull people leggoing? Dem is the same people who just tell meh dey cannot identify de dog.”

Today’s Express has a picture of a stray pit bull “somebody leggo. So de average man in de street by de corn soup vendor, de rum shop and in de church and temple, dem could identify a pit bull but we are going to stand here and say that qualified, trained vets cannot?” Mr. President, let us not reduce the debate to a level of absurdity.

I contacted, because of that comment, the head of the University of the West Indies School of Veterinary Science and I asked him about this issue and he responded in writing.

Mr. President: Please proceed to wind up.

Sen. The Hon. A. Ramlogan SC: Certainly, Sir. If I may just—basically he confirmed that the vets are in fact sufficiently trained to identify the dog by reference to their physical characteristics.

Mr. President, I think, in closing, the amendments we have come to the Senate with, we are familiar with them because they emanate from the committee stage in the Senate and what we have done is to accommodate suggestions made by Independent Senators and even Opposition Senators. My learned friend Sen. Prescott had given us some ideas. But, essentially, the dogs’ characteristics, the predominant characteristic of the dog is what we will be looking at and the other improvements to the legislation have to do with allowing a little latitude and flexibility for the practical administration and implementation of the law.

The amendments are very simple to understand and I think I commend these amendments to the law, so that it will improve what is already good legislation. This is a very important and topical matter. But Mr. President, the Government stands firm in its commitment and resolution to dealing with the question of dangerous dogs in the context and backdrop of responsible ownership and management of dogs in this country.

I beg to move and I thank you. [Desk thumping]

Question proposed.
Sen. Faris Al-Rawi: Thank you, Mr. President. I rise to join in debating this Bill with the caveat put down by my learned colleague, the hon. Attorney General, as to the breadth of this debate. The hon. Attorney General sought to persuade the Parliament that this debate is in fact a very narrow debate and that we should confine ourselves to the strict letter of the Standing Orders and not go beyond them.

So, I think it imperative to immediately set out the fact that the Bill before us proposes 19 clauses to be affected out of a total of 30 in the parent Act. Let me put that clearly. In the parent Act, which comprises 30 sections and one Schedule, we are now taking 19 amendments there. We are dealing with everything from interpretation to control of dogs, licensing of dogs, the Ministry taking charge, obligation to secure premises, class A class B dogs, notices, insurance, seizure and destruction, exemption, regulations. So, in my humble view, it is wide open for debate; point one.

Secondly, Mr. President, we are here as a Senate, because we are moving amendments to the Dog Control Bill passed as an Act. The history of this is that the Dog Control Bill was laid on May 20, 2013, passed in the House of Representatives, July 03, 2013, laid in the Senate, July 10, 2013, passed in the Senate July 10, 2013. It was assented to on July 31, 2013 and there has been no proclamation.

It has not been proclaimed because we, when we sat as a Senate in dealing with a three-fifths majority Bill—and I will come to that in a moment—said specifically that we would support this Bill because there is a noble intention, but that, because the Government was insistent that it had to finish the debate on July 10, 2013, because it was insistent that it wanted to truncate the committee stage of the Bill, where I specifically had a lot of amendments to discuss and propose, the hon. Attorney General gave an undertaking that he would consider a review of this legislation and come back to the Parliament, and indeed today he has kept to his word and he has come back to the Parliament. [Desk thumping]

But the scope of the debate is very wide and indeed it is incumbent upon us, because of the undertaking of the Attorney General, to consider the wider ramifications in the Bill, passed with the caveat that was delivered on July 10, 2013, that we consider much broader perspectives in this Bill, of course within the realm of Standing Orders.

Now, Mr. President, the Government claims to have taken great skill and care and a lot of time in considering these amendments.

Sen. F. Al-Rawi: Mr. President, it is important for us to remember that the first issue here is that we adhere to the correct process within the law. We passed, on July 10, 2013, what is now the Dog Control Act, by way of a three-fifths majority and we did so because we are affecting rights of property, rights of freedom, rights of equality, all enshrined in section 4 of the Constitution. We are abrogating those rights. We were diminishing peoples’ rights there by applying a section 13 of the Constitution clause which says that we have number 1, a three-fifths majority, and number 2, it is proportionate and reasonable in a society which adheres to the upholding of democratic standards such as Trinidad and Tobago.

3.45 p.m.

This Bill before us, Mr. President, specifically proposes to deal with property rights. It does so in section 5, section 7(5)(a)(iii), section 8, section 9, section 11, section 12(5), section 14, section 16, it does so in respect of section 22, it does so in respect of section 21 and section 19(3). Property rights are being specifically affected.

We are proposing fines. We are proposing seizure and destruction of dogs. We are proposing transfer of ownership, Mr. President. We are proposing institution of conditions to ownership, for instance, that you have insurance in respect of your dog, but notwithstanding the hard work of the Government as it claims to have put in, this Bill has no three-fifths certification in it.

The first question that arises is, why are we not passing this law, this Bill being considered today, on a three-fifths majority basis? That is the first question, Mr. President. In my humble view, this Bill requires a three-fifths majority and, therefore, that is probably why when we entered Parliament today, standing on the pavement outside of Parliament, there was a mass of people holding signs saying that: you would have to be less than human—and some of them quite derogatory—to not support this legislation.

So, Mr. President, I went across to speak with the advocates at the Parliament’s doorstep today, before coming in. Sen. Maharaj was with me, hiding in the background, [Laughter] but the fact is, Mr. President, I asked a couple of the persons there, why are you holding up these signs? The first question I asked was, have you read the Bill? Heads dropped, eyes turned away, and people said to me, no. The second question I asked was, well, what is your basic need? You are
concerned citizens, you are advocates on the outside, what is it you want to see? And the response given to me was, well, we want to see that bad dogs are controlled; that people’s children do not get bitten; that there are no more deaths in Trinidad and Tobago.

We heard a lot of anecdotal evidence from the Attorney General a little while ago, reporting incidents which have been carried in the newspapers. I say anecdotal, and I will come to that in a while but, Mr. President, when I asked the persons outside about wanting to have equality for treatment with respect to all dogs, wanting to ensure that if any dog was aggressive, that that dog would be controlled, and that owners would receive fine and penalty and suffer the full weight of the law, when I asked them if that is what they want, Mr. President, they said, yes.

But, Mr. President, this Bill now pushed before us in the Senate, to amend an Act passed by the Senate, this Bill does not do that. Mr. President, it is a fact that this Act which is unproclaimed, only seeks to provide sanction, criminal liability, jail term, up to $250,000 in penalties and more, for class A dogs. Class A dogs are defined in section 5 of the Act, and by way of the schedule to the Act. Class A dogs are as the amendment today proposes:

“1. American Pit Bull Terrier
2. American Staffordshire Terrier
3. American Bully
4. Dogo Argentino
5. Japanese Tosa
6. Fila Brasileiro”

It also includes, Mr. President, such dogs as may be defined within the parameters of section 5 which we now seek to amend. And in the Act, we see that you can actually suffer liability, penalty and jail term, if a class A dog injures or maims or causes damages to someone, but that is not the case for a class B dog. Therefore, Mr. President, the first thing that I say to the people standing outside is, the Government has not told you everything and, therefore, the Opposition’s position, which the hon. Attorney General tries to say is somehow flipping and flopping, or is inconclusive, [Interruption] the Opposition’s position must be articulated by the Opposition, and not by the Attorney General. [Desk thumping] It is our obligation to deal in the best interest of the country, in the system of Parliament that we enjoy, by standing up to this Government’s inexplicable ability to rush legislation forward and more particularly, to bring forward ill-thought-out legislation.
Mr. President, we are not complaining about the classification of dogs strictly. There has to be a line which must be drawn. In the balancing of interests and, therefore, the proportionality of the law, we must draw a line somewhere. Mr. President, we are speaking to the proportionality and reasonableness of the other clauses of this legislation, and they reside, if I may group them:

1. in the excessive and somewhat arbitrary criminalization on a broadscale basis, that the Act and now Bill promotes;
2. in the incredible provisions that seem to be in need of better thought in relation to insurance provisions under this Act;
3. with respect to the balance between genotype and phenotype classification, that the Bill proposes;
4. with respect to the state of readiness of the inter-articulating agencies to carry out the work of this legislation, Mr. President.

Those are the areas of concern that lend themselves to an argument that the Act as it exists, and the Bill as proposes amendments, may come in for constitutional criticism, such that the work of the Parliament can be eroded and set aside and thrown away. It is on that ground that I invite the hon. Attorney General to pay better attention to the clauses in this Bill.

Mr. President, the Act itself says, if I may pull directly to provisions, that it has to be built upon on certain structures. In that regard, let me lay on the table right away, that the municipal corporations legislation inter-articulates with this, the Data Protection Act inter-articulates with this, the Electronic Transactions Act articulates with this, the Dogs Act, Chap. 67:54 articulates with this; the Veterinary Surgeons (Registration) Act, Chap. 67:04 articulates with this. And indeed, Mr. President, a question arises as to the manner by which fines under this law are now proposed to stand as revenue items, for the Municipal Corporations Act. Let me stick a pin on that one.

We know that the Constitution of Trinidad and Tobago, Mr. President, in section 64 in particular, deals with the fact that a Parliament must consider things that are of a money nature in reference to Bills, and that taxes or anything that affects revenue in a particular way, other than by way of reduction, must be certified as revenue Bills. But, Mr. President, in this particular Act, I am just drawing the observation not necessarily saying that it is a money Bill, that we are proposing to raise significant revenues for a local government authority, Mr. President, and that is perhaps to be welcomed, particularly when the Government cannot point to a single revenue generating item in Trinidad and Tobago that it has brought forward to the people of this country. “We long on expenditure, and short on revenue.”
So, Mr. President, much to the protestations of the hon. Minister of Energy and Energy Affairs a little while ago, where he drew broad-based allegations as to revenue and liability, I wish to state that I commend the hon. Attorney General for finding some way to raise money in Trinidad and Tobago, [Desk thumping] if only through the back door of the Dog Control Act, Mr. President.


Sen. F. Al-Rawi: Well, it is relevant. So, Mr. President, if I dive directly down to some of the provisions inside of this Bill, the first thing that jumps out at me is that this Bill is going to be proclaimed and after proclamation, Mr. President, we are going to have six months for people to begin to do the registration exercises.

Now, Mr. President, a period of six months means that we are going to hear today from one of the most silent Senators in this Parliament. We are sure to hear more than just crosstalk today or grumble and mumble, in relation to the work of the Ministry of Local Government. [Desk thumping] So I am very much looking forward to hearing what the hon. Marlene Coudray has to say, because if we are piloting this Bill today, it means that the state of readiness for the registry to be owned and managed by the Ministry of Local Government in the respective municipal corporations is ready for roll-out.

Number two, that the state of pounds that are operated in relation to the Dogs Act, Chap. 67:54, that those dog pounds and the municipal corporation’s ability to function well there, are ready and set to run. It means also, that we have the revenue identified, Mr. President, because this Bill has a significant exception to user. This Bill does not have a line that says, the Bill binds the State.

So, Mr. President, when we at look the State’s readiness on the one hand as I have described it, and in particular, the fact that there is no specific binding of the State in this legislation and, Mr. President, this Bill is replete with exceptions for persons in the employ of the State, I wonder how we are going to manage the State’s liability on this aspect.

So, Mr. President, when we have in the Bill before us, in section—in several sections, that reasonableness by way of a defence as set out in the definition section, Mr. President, does not include the dog:

“is being used for a lawful purpose by a constable or a person in the service of the State.”
When we say that there is no criminal liability for the use of a class A owner, where it is being used by a person in the service of the State, I want to ask, well, what exactly is a person in the service of the State by way of definition? [Crosstalk] Is it for instance, Mr. President, let us use a real example for the listening population. The Government hires by way of procurement exercises, persons to work for the State. Let us look at SIS, the favoured contractor.

Let us say that SIS in its security business, as it has, let us say that SIS in its management of work for the NGC water waste treatment plant, is in the service of the State, employing someone by way of secondment or by way of direct employ through a contractor, is SIS given a get out of jail card in relation to a dog which is treated in such a fashion as to incite—as to be incited to bite someone or act aggressively? The law provides an open exception in this Act. It is what I have now termed for myself the SIS clause. What are we doing in respect of balancing the interests of persons who may be aggrieved by the use of dogs by persons in the service of the State? What does that mean, Mr. President?

The second issue in the service of the State, how do we ensure the interest of persons in the service of the State? This law provides that you must have insurance to be registered. You must have insurance to a limit of $250,000. If your insurance policy lapses and you are unaware of it, you automatically are in breach of the law. They revoke your licence and you are subjected to a penalty and fine under this Act, it says so. But, Mr. President, who manages the insurance for the State? Let me put it in context. Doctors employed by the regional health authority by way of example, in their contracts of employment are required to have insurance in their contracts for medical negligence issues.

4.00 p.m.

The State is unable to provide insurance to them and they are on a daily basis subjected to prosecution in the courts of Trinidad and Tobago on criminal and civil charges. It is true to say that the State steps in right now voluntarily to deal with that, but where is the guarantee on that on a full indemnity basis, when it is limited only to civil liability and not reasonable compensation for prosecuting your defence in criminal trials as the doctors find themselves now facing preliminary private enquiries in the courts. The same thing applies in this law.

What happens to the interest of persons in the service of the State? Whatever that means, what happens to those persons and how does the State manage its liability? How does the Canine Unit manage it?
Sen. Ramlogan SC: In time, if persons are in the service of the State, just by way of clarification, the State would normally assume conduct of the defence and if a police officer, for example, in the Canine Unit, uses a dog that injures someone and there is any issue arising out of that, the State will take care and assume control of the legal proceedings, as it normally does.

Sen. F. Al-Rawi: Thank you, hon. AG. I like that answer, but the fact is that the law does not say that. This Act gives them an exception from liability. They are not brought under the provisions of the Act even by caveat to say that they are acting with mala fides. The Act actually says that if you are in the service of the State, whatever that means, it does not apply to you at all and I do not know if I want to have an exemption for the State of that kind. At least there should be an exemption which is qualified.

Mr. President, when we look at the issue of a defence further in the interpretation section that:

“(9) For the purposes of this Act, reasonable cause includes situations where—

(a) the person attacked was committing an offence for which the penalty could be a term of imprisonment;”

We just did the Bail (Amrdt.) Act. “Committing an offence for which the penalty could be a term of imprisonment”. Breach of the Copyright Act has a term of imprisonment. Selling rotten tomatoes under the Municipal Corporations Act has a term of imprisonment. Cutting someone’s hair and them saying no is an assault and has a term of imprisonment attached to it. Are we giving a wide exemption by way of defence inside of this Act?

When we look to the issue of contravention of the Act, section 16 and section 18 of the Act, as proposed by this Bill, provide for class B dogs to come within the purview of the municipal corporations, but does not provide that the class B dog should be registered such as a class A dog. And, Mr. President, it is important to recognize, if we have evidence of a class B dog demonstrating characteristics such as to be a danger to society—that is the behavioural issue as opposed to the genotype issue—then the question is, “Why is there not a compulsion, not only to put a sign on the gate or the premises of the class B dog’s owner, but why is there not a requirement to have that dog registered such as a class A dog? Therefore, if that dog were to injure or maim or kill someone that the offences prescribed by this Act can apply to that owner as well. Let me call it the back door provision into a class A entry registration.
So, a class B dog under the Act is required, if the dog has shown aggressive tendencies and it comes to the attention of the municipal corporation—how that comes, I do not know—that happens, the attention is drawn, the person goes from the Municipal Corporation and says, “Look, this dog has aggressive tendencies, at least on one occasion.” The Act says put up a sign. We put up a sign. But the Act does not go further to say that because that dog is now under the provisions of the Act, you must now have a secondary registration, let us call it a class A2 registration because your dog has demonstrated tendencies such as to be deemed by its behaviour to be vicious. And there are many dogs that fall into that category.

I am suggesting that it would be prudent, for instance, to include that person under the ambit of the law, so that if that dog injures or maims or does harm or kills someone, that owner, too, is subject to responsibility. It meets the very example that you gave, hon. Attorney General, of the flesh being “osterized” by the person who supposedly went off and bought other pit bulls, et cetera, because his dog was not regulated.

**Sen. Ramlogan SC:** Is it that you are saying that all dogs should then be subject to the licensing and registration requirements—from pothound to Pompek to Alsatian to Golden Retriever—that they should all be registered and licensed or is it that it is only if those dogs have demonstrated a propensity to be vicious and violent that after that propensity has been demonstrated and established, that thereafter you have the A2 registration process?

**Sen. F. Al-Rawi:** I am saying the latter, but I wish to point out to the hon. Attorney General that the Dogs Act, Chap. 67:54, which has been amended to such a state that one wonders why it is even left around.

Sections 3 to 5 were repealed by Act No. 3 of 1994 and we are now repealing sections latter down, I think it is 16, 17, and 19, by No. 27 of this particular Act. We are deleting sections 15, 16 and 17 of that Dogs Act. So there is a registration requirement in law on an implied basis because of a piecemeal amendment to the Dogs Act for registration for all dogs.

What I am saying is, seeing that we have had no explanation as to how this Dogs Act, Chap. 67:54 has operated, what its status is; what the municipal corporations needs and wants and wishes were over the many years that this has been in existence, then we ought to consider the behavioural introduction for class B dogs caught under the umbrella of sections 16(2), 18 and 19 of the Act and Bill as we now contemplate both.
So, Mr. President, that would meet the interest of the man on the pavement, this afternoon, at the doors of the Parliament saying we want all dogs that pose a threat to society to be treated with. That is the aspect which the Opposition draws objection to.

Let us accept that this Parliament agrees there is a legitimate aim to dealing with the control of dogs. Our society has to be protected. We join issue there. We are on the same path. It is the reasonableness and proportionality of the other terms that interarticulate with this law that have to be looked at and that really stands out as an incredible issue in relation to the insurance aspects which some of my colleagues are going to deal with.

**Sen. Ramlogan SC:** I am grateful for my learned friend giving way. During the course of the previous debates, both in the other place and here, certainly from my review of the *Hansard*, I did not see articulated a policy position from the Opposition such as my learned friend is doing now. I stand to be corrected by reference to any quote from the *Hansard*. He has not, in fact, postulated his theory by quoting from anything they have said during the debate. If this is now the position of the Opposition, I want to get it clear so that we can give consideration to it.

There are two things I gather. Are you saying that all dogs should be subject to licensing and registering? That would include pot hound, Pompek, et cetera. Or, are you saying that, of the dog population, you are agreeing with the way we are treating with the Pit bulls, but you would like to see that regime with the penalties, the jail terms, the fencing requirement and the insurance and so on, that that should apply not just to Pit bulls, but to other dogs and if so, then tell me what is the machinery that you propose as to how that should happen?

**Sen. F. Al-Rawi:** Sure. Thank you, hon. AG. If I may say, turning to the reasonableness and proportionality of the classification of dogs per se, the hon. Attorney General took us through a discourse in relation to the laws in Canada and I thank you for the references to the case law.

Most respectfully, I do not think we are comparing apples with apples, with those jurisdictions because the background articulation issues in those jurisdictions do not apply here. We have three dog pounds, two funded, one not. We have the municipal corporations having an incapacity to run this particular registration aspect, their funding, their kenneling, their housing, et cetera. [Interruption]
I am just saying there is reasonableness and proportionality, one can argue, in classifying a breed of dog as we have done under this legislation in the First Schedule. That is why it was supported on the first occasion. When we mix the genotype and phenotype issue, however, because now we have a blended classification for a class A dog.

**Sen. Ramlogan SC:** Which is what they do in Canada.

**Sen. F. Al-Rawi:** They do it in Canada because they have the resources to be able to classify the dogs and I think that the concern coming out of the Trinidad and Tobago Veterinary Association—and we are very privileged to have a member of that association sitting as an Independent Senator. I look forward to Sen. Kriyaan Singh’s contribution, but I understood their objections to be that the capacity for the classification of this type was an issue and therefore we could be disproportionate in not having that.

Let me answer your question. The issue behind the policy consideration for the Opposition is that we certainly, as we supported on the first occasion, do believe that dog control is necessary. We believe that a line should be drawn and the classification on a limited scale of dogs is, I think, reasonable and proportionate. What we are saying in relation to the second aspect is, that dogs that have demonstrated a propensity to be aggressive such as is contemplated in section 16 and elsewhere of the Act and sections 18 and 19 and section 9, whatever, that they ought, upon that recognition, upon pulling that trigger, to be brought and we should look as a Parliament at the reasonableness of bringing them under the control, more than just a sign. That dog has demonstrated a propensity to go and injure somebody else.

You may have a vicious Rottweiler. Sen. Christlyn Moore, now past, had her dog Boe shot dead by the police. He escaped and she said that he was a little amorous in that state that he was in and got into trouble, but they shot the dog. The fact is that we need to ensure that the correct type of dog is brought under this legislation; not only by type, but more particularly by behavioural issues.

There are issues in relation to insurance. Why is it that the insurance provisions that we are looking at have not met with ATTIC’s approval? They brought it with ATTIC’s approval under the homeowners’ policy issue.

**Sen. Ramlogan SC:** That was their suggestion.

**Sen. F. Al-Rawi:** Correct, but the homeowners’ policy issue does not extend beyond the home. So the minute you leave the premises that are insured under the
homeowners’ policy, you have a problem when you take the dog outside, because
the Act permits that, with the homeowners’ insurance policy not applying.

**Sen. Ramlogan SC:** I think they have said that they will look at the
permutation.

**Sen. F. Al-Rawi:** They will look, but the law prescribes something which as
at today’s date cannot happen.

**Sen. Ramlogan SC:** They will develop a product.

**Sen. F. Al-Rawi:** The other factor, when we are looking at insurance is, they
develop a product at a cost and the cost is going to be inimically related and
annexed to the need for statistical information, which is why I was disheartened,
hon. Attorney General, when we dismissed the idea proposed by Miss Crystal
Ramnath who I again say provided yeoman service to us all when she suggested
the establishment of a dog bite registry so that we could have statistical
information for the actuaries to price a product on.

You see, it is important that we deal with more than anecdotal information and
evidence and come up with some kind of statistical information, which is
possible. For instance, the dog bite registry may be associated upon a complaint
being made to the police. It is now a matter of 21st Century policing and the hon.
Minister of National Security could perhaps speak to this, that it is a matter of just
data banking the information perhaps at the municipal corporations as the Act
considers.

The fact is, hon. Attorney General, that the proportionality of the insurance
clause also comes into issue when we note that it is confined to persons under
care. So there are logistical definitional issues in how we operationalize the
insurance, but I leave that to my learned colleagues coming after.

**Sen. Ramlogan SC:** With respect to the creation and establishment of a dog
bite registry. It is not that the Government is adverse to it, but one has to bear in
mind the cost implications and the infrastructure to set up these things.

One would expect that because of the way the legislation is drafted, having
regard to the fact that you will be able to report if your neighbour’s dog is acting
vicious towards you—and that is a non-class A type dog that I am referring to—
when that report is taken, the Minister of Local Government has just whispered to
me that they intend to, in fact, keep track of the statistics so that you will know
the dog bites in the country because they will be able to have that record as a
result of the administration of the Act.
4.15 p.m.

**Sen. F. Al-Rawi:** Thank you hon. AG, but my position inside of this is that we are proclaiming this thing, and then you have six months to deal with it—and we have been dealing with laws that have been standing on the books for 80 years, 100 years, in one instance, 200 years, in fact. So the fact is that Governor Woodford proclaimed a particular piece of law inside of here, hon. Attorney General. The veterinary registration provisions were proclaimed in 1814 or somewhere thereabout, so the fact is that we really have to look at the operational issues lest we find ourselves in a section 34 circumstance where we have a proclamation that does not make sense, because the operational issues—the building of the courts, the court rules, et cetera—did not happen.

So, hon. Attorney General, the fact is I want to focus on the issue of the penalties and crimes. On the issue of penalties and crimes, there is a disproportionality associated there. If I could point to the issue of insurance, when we deal with the insurance legislation we note that it is a requirement that—and I am referring in particular to section 11 of the Act which is proposed to be amended by, I think it is either clause 10, 11 or 12. When we look at section 11 under the Insurance Act, we note that the insurer is provided an obligation to give compensation for medical institution. Look at section 11(5):

“Where payment is made by an insurer under a policy issued under this Act, or by the owner or keeper of a class A dog in respect of the death of, or injury to a person and the person who has died or suffered injury has, to the knowledge of the insurer or owner, received treatment in a medical institution in respect of the fatal or other injury, there shall also be paid by the insurer to the owner of the institution, the expenses reasonably incurred in the treatment of that injury.”

Let us disaggregate that from a legal perspective. The insurance company must pay the owner of the hospital, medical expenses reasonably incurred. Is that in addition to or beyond the terms of the policy? The policy is limited to $250,000, by law. This could be a million dollars. Are we, therefore, bringing the insurer—notice it says here “the insurer shall pay”; we are not saying “may pay” or “may be held liable after suit and order of the honourable court”; we are not saying that. This is strict liability; take your $250,000 under the insurance proceeds, and if you went to St. Clair Medical Hospital or you went to West Shore or you went to some private institution, and you incurred a million-dollar bill for reconstructive surgery, the insurer shall pay the owner of the institution the expenses for that injury. How could that stand? Because it is strict liability that they must pay; there is no conditionality.
Sen. Ramlogan SC: But if you go to the hospital then, what will happen?

Sen. F. Al-Rawi: The fact is, hon. Attorney General, I am saying that we are putting one, an obligation to pay on the part of the insurer and two, it must be paid to the owner of the institution, not to the doctor, not to the insured, not to anybody else. You must pay the owner of the institution—you must pay the owners of West Shore; you must pay the owners of Medical Associates—the money is done, and there is no cap. There is no cap on reasonable medical expenses—[ Interruption ]—but it is also done in relation to an obligation where the limitation is not qualified by a judgment coming from the court or the right to defend. The insurance proceeds also have difficulties when you look to the joinder and subrogation issues.

Sen. Ramlogan SC: If you take out insurance for a certain amount for $250,000, and you “land up” in a nursing home because the neighbour pit bull attack you and so on, I would personally welcome the existence of any insurance company that will pay a cent more than the person is insured for. The reality is insurance companies do not do that. The policy is for $250,000 so you will go there and if your bill comes up to $250,000 the insurance company will pay it to the institution but, if it exceeds that the insurance company will not pay one cent more, and they would be correct so not to do because the insurance policy is for $250,000. The rest of the money, you will have to sue the dog owner, and you will have to get the rest of your money from that lawsuit to pay the rest, and that is the existing law.

Sen. F. Al-Rawi: Hon. AG, I am demonstrating my commitment to try and get the law right by giving way as much as I can. I fear that I may run out of time, but what I am saying here is that the law stands in contradiction to that intention because of the express wording of the legislation as we contemplate now, and I am concerned about that from a reasonableness and proportionality standard. I do not want to have this case go to the Privy Council to determine that because of an anomaly in the manner in which we express the legislation.

Sen. Ramlogan SC: I do not think it does that, you know, Faris. Look at it carefully.

Sen. F. Al-Rawi: The other issue that I am raising now is the issue of—this is again under penalties and restrictions—the fact that this law prescribes standards without wilful knowledge or intent. There are many instances inside of here where a policy of insurance is required and it lapses. [ Crosstalk ] Well, you do not know. There is a strict liability position. You may not know the policy was
cancelled; you are caught by this and there is no wilful or reckless intention on your part expressed in the legislation. That applies as well in relation to several other sections inside of here.

AG, when we look at penalties further, look at section 25A, which we are inserting into this Act by clause 20 of the Bill, 25A says:

“Where a body corporate commits an offence under this Act, it is liable to a fine of two hundred thousand dollars.”

The Interpretation Act says that a commission of an offence by a body corporate touches and hits its directors directly, and officers.

**Sen. Ramlogan SC**: The SIS.

**Sen. F. Al-Rawi**: Correct, the SIS clause. When we look at section 25A, is it our intention to constructively amend or to turn away the application of the Interpretation Act by limiting this offence only to a pecuniary amount, $250,000? Why not subject the directors and owners of a company, which is in the service of the State providing security services or a company that owns a dog—because I could now register a dog and say, a company owns it. It is a method for avoidance of physical imprisonment if I confine it only to a pecuniary amount as section 25A does, because I am now ousting an interpretation which can come to assist us in the Interpretation Act, Chap. 3:03. That is another example of where the penalties do not rack up and make sense.

**Sen. Ramlogan SC**: So what are you saying, the penalties are too low or too high?

**Sen. F. Al-Rawi**: What I am saying is that the section 25A as thought out limits and excludes the reach into a director or officer of the company and subjecting him to a jail term which the Act prescribes, because the law is now clear. It says if you are a corporate entity, well it is only money you have to pay; there is no jail term. The rest of the Act does not apply to you. You are not going to make three years imprisonment or five years in imprisonment, et cetera.

The other factor in relation to the proportionality and reasonableness of offences is that the offences are typed minor offences; like your dog’s collar has been defaced not by your wilful or reckless participation, but your dog’s collar has been defaced within the parameters of the Act, and you are automatically facing one year in jail and $50,000.

There is a provision in here that says if the dog escapes, you are automatically liable. There is no wilful or knowledge. Suppose your dog escapes because a thief broke into the yard. You have the evidence on camera that a thief broke into the
yard, the dog escaped and the dog injured or hurt somebody or was on the outside; the Act does not provide properly the think out of associations there by the introduction of the qualification of wilful and reckless behaviour, and I suggest that we ought to look at that in appropriate cases, if only to consider it and have the Hansard rich with the interpretation aids that someone can look to by way of defence.

When we look, hon. Attorney General, to sections 18, 19, 20 and 21—[Interruption] Yes, Hon. AG, if I could say—I understand I have three minutes of original time left; one—what I did last night was to prepare a track change amended version of the Act. I inserted all of the provisions of the Bill—highlighted in red and track changed—and I put comments next to it, and I brought it on a stick because I only did it last night or two o’clock this morning, I did not have much time. I could give it to the Parliament and circulate it out so that Senators can see the amendments in the context of the Act, and also what some of the concerns are. So I undertake to pass that around.

If I could deal—returning because of the brevity of time—with the issue of sections 18, 19 and 20, the policy issues—well the policy issues as opposed to policy last. My colleague is going to deal a little deeper with insurance issues this afternoon as well.

**Sen. Ramlogan SC:** Which one?

**Sen. F. Al-Rawi:** Perhaps it may be Sen. Singh, I am not sure. But when I look, hon. AG, to the section 22 of the Act, there is a power of seizure and destruction. We are inserting a new section 22 into the Act, and we have prescribed a position here where there is a seven-day aspect. The tie back to notice to the owner of the dog comes up for immediate question, because we are requiring a position where we register the dog.

The registration particulars require us to deal with providing information to the municipal corporation, but section 22 provides a tie back which may exclude notice. If I could indicate, if I jump back to penalties and provisions, to one further issue before I come back to this issue I now started. The regulations are proposing to prescribe, quite properly, for an increase beyond the $500 limitation that the Interpretation Act provides. So, we are inserting a new provision into this Act that allows us in subsection (4) to section 28 to prescribe penalties not exceeding $50,000 for offences committed under the regulations. I want to point out that—[Interruption]

**Mr. President:** Hon. Senators, the speaking time of the hon. Senator has expired.

**Motion made:** That the hon. Senator’s speaking time be extended by 15 minutes. **[Hon. A. Ramlogan SC]**

**Question put and agreed to.**
Sen. F. Al-Rawi: Thank you, Mr. President. Thank you, hon. Attorney General, for moving my extension of time. I was saying that the regulations as we propose to amend the Act—the Act as it touches the regulations as we propose to amend it by clause 21 of this Bill—allow for us to go beyond the limitation prescribed by the Interpretation Act which would confine us to a $500 fine by saying that we can prescribe penalties not exceeding $50,000. That is laudable but $50,000 provides us with an equal amount of pecuniary hit as the Act does in itself, and the question arises for us as to the ability to manipulate the prescription of fines in a very fluid fashion.

I suggest that it is a good form of architecture for us to allow for the amendment of fines and penalties by way of order of the Minister or subsidiary pronouncements and, particularly, the caution that I wish to give is that I am concerned that the prescription of $50,000 may be a little high because it matches now the issue of the application of that fine from a reasonable and proportional basis where the offences are prescribed in the Act. So if we want to be reasonable and proportionate, we should err on the side of a breach of a regulation taking a lower hit for penalty than the actual substantive law prescribes, otherwise a court may consider the issue as evidence of unreasonableness or disproportion in relation to the law.

Mr. President, the fact is that this kind of Bill requires dedicated attention, sober participation, and really ought to be done in a committee stage. My position is that the Bill and the policy and the nitty-gritty tie back does not really lend itself to articulation on the floor of the Parliament because the floor of the Parliament deals largely with observational issues surrounding the policy prescriptions of a Bill. The position in relation to defining this law and getting it right is really best done at a committee, and I would say why. Evidence of the committee’s deliberations—be it joint select, be it whatever it is or even on the committee of this Parliament floor—that evidence is to be had in the minutes, notes and recommendations prescribed and the verbatim notes, in particular, and the invitations brought in. So I fear that our committee stage this afternoon will be very long.

Mr. President, I wish to point out to my learned colleague, the hon. Attorney General, that I am very, very concerned about the Veterinary Surgeons (Registration) Act because that piece of law, which is I think now 84 years old, it was dealt with on June 02, 1939, it is anchored to another piece of law which is, of course, the Dogs Act and that Dogs Act—sorry, it is anchored to the Veterinary Surgeons Act itself—and that, Mr. President, dealt with a law that is some 200 years old.
Mr. President: With that state of antiquity, I tell you it is now 4.30 and, therefore, I propose to take the tea break and to resume at 5.00 p.m. This Senate will now be suspended until 5.00 p.m.

4.30 p.m.: Sitting suspended.

5.00 p.m.: Sitting resumed.

Mr. President: Hon. Senators, before we broke for the tea, Sen. Al-Rawi was on his legs, and by my calculation he has 11 more minutes of speaking time in his last sequence.

Sen. F. Al-Rawi: Thank you, Mr. President. [Desk thumping] Mr. President, I hope not to take all 11 minutes because I understand we have a bumper selection this afternoon, and taking in tonight to speak on this Bill.

So, Mr. President, I left off in connecting the dots between the Bill and the Act as proposed, and also the manner in which it is going to be operationalized, and I had pointed out earlier that this piece of legislation coordinates with pieces of law that are in need of serious attention, and one of them of course is the Dogs Act which has been left in a mangled state. That Dogs Act was amended by, in particular, Act No. 3 of 1994, which removed certain registration requirements. It left impliedly the issue of registration inside of that, and then further section 10 was repealed and then sections 15, 16 and 17 are proposed to be repealed by the operationalization of this particular Bill.

Mr. President, that means that we are in a state of chaos as it prevails in relation to the articulation that the Bill contemplates through the police, through officers of the State, et cetera, and the manner in which the Dogs Act proposes that there be tie-in which requires the local government level, the municipal corporations to deal with it. But importantly as well, Mr. President, certification by way of genotype and phenotype by the veterinary practitioners is required under this Act, under this Bill, and their buy-in is essential. As I understand it, there is significant objection to the cornerstones of some of the provisions that we are looking at today, and it is incumbent upon us to take heed of what is being said by the Veterinary Association.

Mr. President, something came across my plate, which I think I am bound to speak about, in relation to the Veterinary Surgeons (Registration) Act, and that is—and this law that we are considering today is built upon it—the Veterinary Surgeons (Registration) Act, Chap. 67:04, brought in under the books I see here on June 02, 1939, on a parent piece of legislation some 200 years old in its capacity, says that:

“…for the purposes of this Act…Veterinary Surgeons”—are to be registered.
And under section 4:

“No person shall be entitled to take or use the name or title of Veterinary Surgeon (either alone or in combination with any...words), or any name, title...or description, implying that he is registered under this Act, or that he is a person specially qualified to practise veterinary surgery, unless he is registered under this Act.”

The offences, Mr. President, for that “quack clause”—if you want to put it that way—for persons passing themselves off as vets, are that you are subjected to a fine of $2,000. If you are found guilty of an offence under the section there is a further $2,000, and the law is very carefully set out that only practitioners in the veterinary sciences who are registered, can operate, and this Bill requires us to have certification, and one contemplates by way of public sector vets, registered or private sector, but it requires us to have certification of vets who are licensed to practice—if I could use it that way.

Mr. President, what struck me as extremely interesting in that regard was the fact that two institutions are operating in Trinidad and Tobago carrying out the provisions of the Dogs Act, looking obviously to receive the operationality of this particular law when proclaimed, as may be amended, one is called the Rio Claro Veterinary Clinic, and it is owned by—the licensed vets established there, Dr. A. Ramnanan and Dr. K. Francis. Dr. A. Ramnanan is in fact our consul to Miami, to the United States of America, based there, and a record was passed to me by a concerned citizen and that record demonstrates the initials AR in dealing with vaccination records which only licensed vets can manage. A record was passed on May 24, 2013, and in May 2013, there is in fact, with the initials AR on the Rio Claro Veterinary Clinic, someone purporting to operate, it seems as Dr. A. Ramnanan.

So I wondered and I wish to point it out to the Government. How could that be so, and if they could enquire, because this gentleman serves as the consul to the United States of America appointed by this Government?

The other one that concerns me greatly is an institution called My Pet’s Health Record, run by Centaur Veterinary Services of Matilda, Princes Town. Mr. President, here I have in my hand, a card, an actual card indicating, under initials marked onto this vaccination record as administered by a licensed vet, 19/11/2012, 29/12/2012, 16/11/2013, the initials “GR” on this record. I would like to know how that could possibly be the case, because if this turns out to be true, Mr. President—if a licensed vet running an institution called Centaur Veterinary Services of Matilda, Princes Town, telephone numbers 655-5269, 760-5782, 748-3981, with an address as follows: r.drglenn@yahoo.com—whatever that address may refer to—how could it be
possible, Mr. President, that this record could exist? Because if that is the case then, within the confines of this Act, it means that there is potentially—I am not sure and I call upon the hon. Attorney General to investigate this, and the Minister of Local Government would have to investigate it as well with anxious scrutiny being in charge of this piece of law—there is potentially a breach of the Veterinary Surgeons (Registration) Act.

If these two examples, our consul’s practice—to the United States of America based in Miami—and whoever Centaur Veterinary Services is, if this exists, then the operationalization of this legislation is in great jeopardy. [Desk thumping] And therefore it is incumbent upon us to ensure that there is an immediate review of, in particular, the necessity for the Dogs Act, Chap. 67:54 to still be around in the fashion that it has been left as brutalized by amendments, and also in particular the Veterinary Surgeons (Registration) Act, Chap. 67:04. It is incumbent upon us to take stock of the practitioners in the veterinary sciences field because, Mr. President, I am confident that the Government wants to make sure that veterinary surgeons are complying with the law, because to do otherwise would be incredible.

I note that we have the benefit of a veterinary surgeon in the Government sitting as a Member of Parliament. I did not see in his reflections in the Hansard, as reported in the debate in the Lower House on this Bill, any kind of reflection there. What I saw was in fact a lot of startling information, quite the opposite of the Trinidad and Tobago Veterinary Association’s pronouncements on this Bill, and this Act. But I urge the Government, and the Minister of Local Government, in particular, who has responsibility for the administration of this law, to act with anxious scrutiny in making sure that there is compliance with the law. If there are offences that have occurred, then they must be prosecuted and dealt with, with alacrity of the kind prescribed by my learned colleague, the hon. Attorney General.

Mr. President, in summary I wish to say that this Bill requires deep consideration by Members of this Parliament. I consider that this law requires, this Bill, a three-fifths majority. I have approximately 148 recommendations for consideration, which I propose to go through at committee stage. I urge the Independent Senators, whose votes I believe are required to bring a three-fifths majority, to act with care and caution, but we commit as a Parliament, and certainly as an Opposition, to trying our very best to get this law right, Mr. President, in the best interests of the citizens of Trinidad and Tobago.

Mr. President, my parting words are that the PNM remains a strong entity, much the better for the likes that have added on to our Bench today in Sen. Young and Sen. Cummings, definitely showing, as my learned friend Sen. Hinds used to say, that
the green shoots of the PNM are growing strong. [Desk thumping] and we are very proud to have them on our Bench this afternoon. I thank you, Mr. President. [Desk thumping]

Mr. President: Sen. Dr. Kriyaan Singh. [Desk thumping]

Sen. Dr. Kriyaan Singh: Good afternoon, Mr. President. First of all, I would like to show my appreciation on being here, both as an Independent Senator and professionally as a veterinarian, to have an opportunity to speak on the Dog Control Act and its amendments.

I would just like to say first off that we must remember when we are making laws and Acts and so on, that there is a critical difference between a law that makes a person feel safe and a law that actually makes you safe. [Desk thumping] When we are dealing with such an Act that prohibits dangerous dogs, we must ensure that it actually does that, that it does not allow for the leeway of dogs to slip through that are dangerous but are not of a breed. At the same time we must not allow it to remove dogs, to inhumanely euthanize dogs, to lead to the destruction of dogs that have committed no offence according to this Act, simply because of their breed. Okay.

Going further, I would like to say that the basis of this Dog Control Act is that certain breeds of dogs, the pit bull and its types, and three other breeds, of which there are only about 10 in Trinidad, are actually capable of biting and causing death by that bite. However, it does not allow for the recognition that other dog breeds are capable of that.

The media plays an important role in this perversion of which dogs are causing the attacks. I would like to draw reference to a full page coloured ad, which I have enquired cost close to $15,000, in The Guardian on Sunday by the Ministry of Communications. And through Mr. Hadeed I would like to say that there is a picture here of a pit bull climbing over a fence, two shots of him; one where he is halfway over the fence, the other is where he is on his way down. Unfortunately for the Ministry of Communications, I know this dog. [Laughter] I know where this picture was taken, and this is at a dog training show to show that the dog could be trained to climb over a fence.

It has been used on facebook and on all these media articles to show a dog escaping, but that is not what this dog is doing. It also goes further to show another dog showing aggression. A white pit bull showing aggression at a dog show in which it judged the dog’s ability to show aggression and obedience.
5.15 p.m.

There is also another picture of a German shepherd dog with his teeth snarling out, which is in complete contradiction to this law, because nowhere in it does it state about German shepherds. Furthermore, they have a whole host—well, not a host, but four articles about who has been attacked by pit bulls. I would like to draw reference to one. They say August 25, 2011:

“Boy, 11, killed by own pit bull”

I do not need to go any further. I want you all to pay emphasis on that word “own”. This is his pit bull, and there is nothing in this Bill that is ensuring that owners are responsible for the way their dog is kept. There is nothing in this Bill ensuring that the dog is kept humanely, that the dog is being fed properly, that the dog is not being violently trained, or trained by beating.

Further to that, the other article is:

“Cops arrest…owner as pit bull kills grandmom”

What the media did not allude to was the grand mom was also considered an owner of the dog, because it was in her yard. She lived there. She was going to feed the dog; therefore she was carrying out the duty of the owner, assuming the right, the role of the caregiver. Therefore it is something between her and the dog that triggered that attack. This is not a dog that escaped out of a yard. This is a dog under normal circumstance, found an issue with its owner who was attacked. Therefore, this law does not take into consideration any way of ensuring that pit bull owners, if we are being breed specific, are taking proper care of their dogs. There is no way of saying that the pit bull owners are ensuring that their dogs are not aggressive to them.

I will tell you, Mr. President, as a vet for nine years, I see a lot of pit bulls in my clinic. Prior to 2012/2013, when the talk about the Act came back up, the majority of the dogs we would see is pit bulls, and any of my clients could tell you this: I have never once been bitten nor do I use muzzles in my clinic, because there is a certain level of care that I advocate to my clients for their dogs, and with that being done, they do not need to use muzzles. I am not saying do not use muzzles on your dogs in public places, but I am saying there is a certain level of care that an owner, in owning such a dog, must demonstrate to have a pit bull. The same way there is a certain level of care, you must reach a certain character level to own a firearm, in the same way you should reach a certain level of care to have such a dog.
Furthermore with this article, I would say the Ministry of Miscommunication—[Interrupt]

**Sen. Al-Rawi:** I like that one. [Desk thumping]

**Sen. Dr. K. Singh:** I would like to show you a picture here—I do not know—for you all it is kind of blurry—taken at one of the recent bully shows. [Sen. Dr. Singh displays picture] I have the owner’s permission to name the dog; Cyrus is the dog’s name. For the past four years this dog has won the category for hardest hitting and aggression training—for this dog.

You will see a picture here of the dog holding on and bearing its weight on the attack dummy, or the decoy as they call it. This is the exact same dog. [Sen. Dr. Singh displays another picture] Please note that it is a four-year-old child hugging the dog, because this is what proper training of a dog could allow, that a dog with the same capability to be an obedient/aggression trained dog, has the potential to be a secure and safe dog with a child. Again, there is nothing in this Bill about ensuring that there is a training standard for dog owners to have their dog up to, to have their dogs certified by.

Let me just go back. When these attacks take place—[Interrupt]

**Sen. Ramlogan SC:** Thank you, Dr. Singh. I just wanted to know, on the rather interesting point about training for the dog owners, I presume as well for the dogs, are you proposing or advocating that that training applies to certain types of dogs or is it that they should be certified in training across the board for anyone who owns a dog?

**Sen. Dr. K. Singh:** To clarify that, I understand that Trinidad and Tobago is not a First-World country. We have not reached the level where we could have probably registration of all dogs. We may not reach the level where we could have registration of all dogs and training of all dogs. However, we must accept that it is not only pit bulls that are causing attacks. It may be, through the perversion of the media, that only pit bull attacks are being reported.

In fact, some attacks—which I know for a fact of one that was reported as a pit bull, they put a picture of a pit bull in the papers and, lo and behold, the dog was later rescued by one of the sanctuaries, and it was a German shepherd Akita. When the sanctuary wrote to the newspaper to have the article changed, they refused to change it because, sorry to say it, but mixed dogs and pot hounds do not sell newspapers. [Laughter]

**Sen. Ramlogan SC:** I like that one. [Crosstalk and laughter]
Sen. Dr. K. Singh: Further now, I was watching the debate in the Lower House on television and I heard the MP, hon. Dr. Glenn Ramadharsingh, trying to highlight and incite a certain degree of fear about the pit bull to the public, through the Parliament, and to say how dangerous this dog is, how gory their attacks could be, how, as it was said today, they bite and do not let go, that they could bite and support their whole body weight. Just to say something: we have a report of a dog that bit somebody; a pit bull that bit somebody eight times. If a pit bull bites and does not let go, that victim would have one bite. He got bitten and the dog did not let go, but it is a dog that does bite and let go, just like any other dog.

Secondly, I want to just quote something here from *Millers Anatomy of the Dog*. All breeds of dogs can hold up their entire body weight by their jaws. It is:

> “…an evolutionary trait to enable a dog, descendants of the Grey Wolf, to hunt prey that are attempting to escape after being bitten.”

Mr. President, must I remind the hon. MP that dogs and the grey wolf hunt in packs, and they are only able to bring down a big caribou, an animal heavier than them, by biting, pinning the animal, and another animal biting, and another dog biting. So to bring down a prey that is five times their weight, they require five dogs to attack it. They do not attack their prey, they do not hunt by killing like a lion does. They do not go and bite the jaw—as Sen. Dr. Ramadharsingh described, that they go for the jugular, and was doing his hand like this and was very demonstrative. They do not do that. That is in a text book that is used internationally by the vet school. Perhaps he did not have that text book when he went through vet school.

It would therefore stand to reason that if it is the weight of a dog when they bite on—it is the summation of the weight of five dogs that bring down an animal five times its size, that the weight of the dog be used to determine its class. And the argument that people will alter the weight of their dog to suit, the TTVA put forward the idea not simply of weight, but weight with body condition score.

Sen. Ramlogan SC: What?

Sen. Dr. K. Singh: Body condition scoring. Let me explain what body condition scoring is. Every dog has an ideal body condition score. There are charts that vets have at their offices. It is similar to the BMI in humans. [Crosstalk]

The body condition score allows for a dog that is underfed to be recognized as having a lower body condition score. If you use the weight and body condition score at the same time, what you will have is that a dog that is underfed so that its weight falls below the bracket, but at a lower body condition score, can still be covered in the law.
Sen. Ramlogan SC: Can I just ask, because I do not know. How much would that cost on average?

Sen. Dr. K. Singh: Compare it?

Sen. Ramlogan SC: Yes. How much would a vet normally charge to have that full body condition that you are talking about, as well as the other proposal? Because you are saying it is not one, it is not just one, there was a two-pronged proposal. How much would that cost on average?

Sen. Dr. K. Singh: The weight is just simply for the dog to go on a scale. The body condition score is a judgment based on looking at the animal and comparing the exposure of certain bones and joints in the animal, and relating it to that weight. So the charge is usually included in the physical exam of any dog that goes to an office.

Sen. Ramlogan SC: How much?

Sen. Dr. K. Singh: It varies between vets. It could be $60 to $200. It would vary.

Hon. Senator: It is like lawyers. [Crosstalk and laughter]

Sen. Ramlogan SC: They are one and the same with the dogs? [Laughter]

Sen. Dr. K. Singh: Continuing about the use of the breed specific legislation, and the amendments to consider kennel standards as the gold standard for what a pit bull looks like, I would just like to refer to the Canadian and American Kennel Clubs, which do not recognize the American pit bull terrier or the American bully, as breeds in their club, which are the two kennel clubs we have written in the amendments. So they actually do not have breed standards for those breeds. In fact, the only kennel that recognizes the American bully is the American Bully Kennel Club, because it is the breed that they started on their own.

The other kennel club, the United Kennel Club, which recognizes the American pit bull terrier, as, and I quote:

An excellent family companion and have always been noted for the love of children. It is not the best choice for a guard dog since they are extremely friendly even with strangers.

Sen. Ramlogan SC: Which one is that?

Sen. Dr. K. Singh: The United Kennel Club. This is in the breed standard for it, and this is when it fails to qualify under the breed standard. The first stipulation of failure, besides measurement, to not qualify under the breed standard, is, and I quote:

Viciousness or extreme shyness.

So how can we use a standard that says a dog is not vicious, not dangerous, to then in fact label it as dangerous by a law?
Sen. Ramlogan SC: The breed, pit bull.

Sen. Al-Rawi: It says it has no breed called pit bull. [Crosstalk]

Sen. Dr. K. Singh: Furthermore, the statement where vets had said that they were not qualified to determine the breed—it is true that vets are not qualified to determine the breed of a dog, according to the stipulation of breed standards. Breed standards are written and determined by breed judges, international breed judges, of which there are only three in Trinidad and Tobago. The procedure is quite lengthy, and with a lengthy procedure expect a high cost. That is why the TTVA has asked that we do not qualify dogs by a breed standard, but a very short procedure of weight and body condition score.

If the dog is above 25 kilograms, which we average as the weight of a child in Trinidad and Tobago that could be left unsupervised—such as the boy that fell in the drain, the autistic boy that was attacked—anything over 25 kilograms with an ideal body condition score of three should qualify to be considered a potentially dangerous dog, or as the Government has determined a class A dog and therefore requires registration, licensing and microchipping. [Interruption]

Sen. Ramlogan SC: I am following with great interest your contribution, because you are a qualified vet. I am just wondering, apart from the pit bull, the body score of three, I take it that is the minimum you are advocating—a body score of three?

Sen. Dr. K. Singh: What I am saying is at 25 kilograms—if the dog weighs 25 kilograms or more and his body condition score is three, then he qualifies for class A. If the dog has a body condition score of two, which is lower than three, and his weight is 20, he still qualifies because it is a dog that has been underfed.

Sen. Ramlogan SC: What I wanted to know, all things being equal, if you could give us an idea of some of the other kinds of dogs that in your professional opinion would qualify to be dangerous dogs, using that criterion—apart from pit bulls.

Sen. Dr. K. Singh: Apart from pit bulls, in my professional opinion, we have Rottweilers, which are the second dog used at a great extent for security, have been the cause of many dog bites—maybe not dog bites that are reported. Remember, we should not only use media reports of dog bites that lead to death, because it just meant that the person was able to get away in time. But there are dog bites by Rottweilers; there are dog bites by German shepherds; dog bites by Labradors, which we think are nice dogs, and golden retrievers, which we think are nice dogs; dog bites by Huskies.
Right now, as was mentioned in the Lower House, the Husky is considered one of the top five dangerous dogs in America, and we have no consideration for it here. Actually right now, we currently have an influx of Huskies through the back door from Venezuela. I do not know if the Minister of Food Production is aware of it, or if the Minister of National Security is aware of it, but we have an influx of dogs coming in from there.

5.30 p.m.

So we need to address—when we specify a dog breed and we allow a law to only cover one type. Because the Dogo Argentino there are only three in the country; the Fila Brasileiro there are three and two on the way out. When we allow an Act to only consider certain dog breeds, then we do not look at the problem of other dogs attacking people, and we tend to think that pot hounds do not cause any damage. However, if you go to the police and get reports of damage to livestock by farmers, the livestock damage report is mainly by packs of pot hounds. What we term pot hounds, or mongrel dogs, or mixed breed dogs. It is mainly by pot hounds. Now, could you imagine a farmer who goes out to save his animal and gets attacked and it is by pot hounds.

As I said before, unfortunately, pot hounds do not sell papers. So, these reports are not—we have never had a report in the newspaper about a pot hound killing a duck or a pot hound attacking a sheep, but it occurs every day. The veterinarians in the government service would deal with large animals; food producing animals, would tell you on a daily basis they are faced with reports of that and there is no law currently that could cover it, and it is the hope of the TTVA that this law would be widened. We are not saying that the pit bull does not have the potential to be dangerous. We are saying that other dogs do, and the law should cover that. The law should not only say that pit bulls are Class A dogs, but there is a wide range of dogs that have the potential to be dangerous and they are putting forward the idea, the concept of using body weight and body condition score at the same time, together, to determine if this dog has the ability to take down a human, take down a human child, do damage, do death.

Sen. G. Singh: Hon. Senator, is there any precedent in any part, any jurisdiction in which this body weight is applicable?

Sen. Ramlogan SC: It is used in the law?

Sen. G. Singh: And it is used in the law?
Sen. Dr. K. Singh: I am aware that the TTVA had put forward one place and in my research New Zealand has also switched to it. New Zealand has tended to switch to that. What we must remember is that it was said by the Attorney General that there is breed specific legislation in several countries and that it works. However, we must take that statement that it works with a grain of salt, because in countries with breed specific legislation they have forerunning dog control legislation which prevents stray dogs like our Dogs Act of 1918, they have forerunning animal rights legislation which prevents inhumane treatment of animals, they also have the establishment of animal police to ensure the removal of animals from people who are ill-treating them and the prosecution of people who are ill-treating animals—not just dogs.

Further to that, when you quote areas in the US about having breed specific legislation, we must take into consideration why it is Trinidadians tend to go for a pit bull dog, and the number one reason is security. And if you look at our crime rate compared to the US crime rate, if you look at the fact that we cannot bear arms but in the US they are allowed to bear arms, they do not have a direct need for a dog for protective services and a dog for security around the household, whereas we in Trinidad do. And so, until you can guarantee the people of Trinidad and Tobago that the police service is going to ensure that there is no crime, “that they could go to sleep at night and leave a chihuahua in the yard as opposed to a Doberman, or a pit bull, or a Rottweiler, and doh worry about a bandit coming then you cannot pass a law like this”. You cannot pass a law specific to the pit bull and its types.

Sen. Ramlogan SC: Senator, look again, that is a point that was made by many and it is a point that we took on board and that is why we did not opt to proclaim the legislation that completely banned the pit bulls because we recognized that there is, in fact, a problem with crime in the country and that we should allow people to equip themselves as they deem appropriate. That is why we did not proclaim that law to ban pit bulls and make them extinct, but rather, to simply allow people to own them if they so desire, but to have them regulated with the imposition of certain restrictions like a high fence, insurance in case the dog injures someone and so on. So, that is why we thought—we did, in fact, take on board that point you are making.

Sen. Dr. K. Singh: Thank you for that. I am saying we agree that owners of pit bulls should have all the things you said, to a lesser extent the insurance because that comes in later, but to have a high fence, to walk it on muzzles, but what we are saying is do not limit it to be the pit bull.
Sen. Ramlogan SC: So, you are in support of this legislation, save and except that the category of dogs to which it applies ought to be expanded?

Sen. Dr. K. Singh: It ought to be expanded and it ought to also encourage the proper treatment of the animal. Nowhere in this does it demonstrate how you are going to ensure that the animal is being treated humanely, how the animal is going to be fed properly. How are you going to ensure that these animals are actually going to a veterinarian?

Sen. Ramlogan SC: Look, animal welfare legislation is a noble objective which the Government does not have any great objection to, and the whole question of animal cruelty and looking after the welfare of animals, obviously, is a matter that should concern us as a Parliament. The challenge there, of course, Dr. Singh, is the question of enforcement. How does one enforce a law or monitor people to ensure that they are feeding the dog properly and they are treating it properly and so on? That is the challenge, because I did say—you were not here in the Senate at the time, but during the course of the last debate, I did in fact say, I acknowledge that the whole question of the treatment of animals is a matter that we as a country should take a long, deep look at and perhaps sometime in the future we should review what exists already to develop legislation to look at, not just dogs, people have other animals for pets.

I only recently learnt that a number of people have snakes for pets in this country, but you would know they have snakes, they have dogs, they have cats, they have rabbits; all kinds of different animals, but the whole question of how does one ensure that animals that are owned in this country and even those that are not owned but are stray, that they are treated properly. That is a question, but the purpose of this Bill was not that, but just for the record I want to say I accept that that is a matter that as a country and as a society we must, in fact, confront and debate in due course.

Sen. Dr. K. Singh: My point about that is that that idea of animal rights and ensuring humane treatment of animals must come before this law, and the reason I am saying that, is when you pass this law, as has been shown before, you are going to get people who believe they cannot meet the requirements, who do not want to go through the hassle of meeting the requirements, who do not own a house or who cannot get house insurance, who do not have money to fence their house, who do not even take their dog to a vet, are going to release that animal or going to keep that animal in the yard and not feed it till it dies, or are going to take that animal and throw it in a dumpster, or are going to take that animal and chop it, or go and buy a bottle of gramoxone which is not regulated in Trinidad.
Sen. Ramlogan SC: Excuse me, Senator. On that note, what is the position of the Veterinary Association or the vets on the whole with respect to people wantonly releasing their pit bulls in the streets? The Government is offering, as are private organizations, to receive these animals, so all you have to do without any risk of liability to yourself, is take the dog and drop it off.

The Minister of Local Government even whispered to me a while ago that they will be happy to even come to pick it up if you call them. Not so, ma’am? So, if you call and say, look, I have a pit bull but I do not want to incur the cost of putting up a fence, or I do not want to incur the cost of a muzzle, or I do not want to incur the cost of going to take the dog to a vet, well then call us and we will pick it up. But if you are so irresponsible—and that is the same dog you say so loving and is a member of your family and so on—to put the public at risk by releasing that dog out there and committing such a criminal act, then you were unfit to own that dog in the first place and the Government is justified in bringing this law.

Sen. Dr. K. Singh: I agree that person may be unfit, but I hope that the Minister of Local Government, in whispering to you, whispered the fact that right now the Tunapuna council has one vehicle, four workers and can deal with no calls to pick up dogs. I hope she whispered that in San Fernando the pound is incapable of keeping any pit bull. I hope she whispered that currently if you call the local council, they either will not answer the phone, when people call they do answer the phone and say that is a matter for the police; the police will then tell them that is a matter for the vet and then they end up calling me, and I in my wheelchair have to go and pick up a pit bull, and I am not getting paid to do that by the Government.

So, if the Government is claiming that the local council is already ready to deal with this problem then they are fooling the people of Trinidad and Tobago. If they are claiming that in six months they would be ready, I still think that they are fooling the people of Trinidad and Tobago, because the Dogs Act of 1918 that is 96 years ago, currently it allows you to go and register your dog. Has anyone here attempted to go and register their dog? It is the law right now in Trinidad and Tobago that every person must register their dog, and no one here has a dog registered. Are we all criminals because we are in breach of that law? [Desk thumping]

Sen. Ramlogan SC: I am saying that is precisely why we are not advocating a position that would apply to all dogs, because when you do that you make a law that really becomes impractical, difficult, well nigh impossible to enforce, and you have the situation now where it is observed more in breach than in actual practice.
That is why we targeted really the pit bull and the others which I accept are on the way out as you say, but that is why we focus here. A lot of what you are saying I agree with it, but we have to do it in a piecemeal approach or else we would not get off the ground at all.

**Sen. Dr. K. Singh:** Well then in the piecemeal manner it should not be the pit bull alone, but it should be any dog that has the potential to be dangerous. And by the potential to be dangerous the professionals, the veterinarians who are the professionals in the field have suggested that you use a weight/body condition score, not weight alone, because we understand that people would underfeed their dogs, as security companies often do, or they may overfeed their dogs. We understand that and that is why we are saying use the two in combination.

As I was saying, the whole point of the local government being able to deal with it, they have failed us already for so long, they are currently failing us. When we call now, between the Act coming up last year 2013 and now, both the TTSPCA and Animals Alive have been swamped with new pit bulls. Animals Alive was given a grant of a quarter million dollars which is to be promised annually. Their proposal was to build 50 kennels with that money, but their policy is a no-kill policy, meaning that those 50 dogs, not necessarily pit bulls will be kept there for their entire life.

**Sen. Ramlogan SC:** Put it down.

**Sen. Dr. K. Singh:** No, no, that is not their policy. From behind the post I heard you and that is not the policy. The policy is that they keep them alive for their entire life, and the Government cannot go in, after passing a law that is saying they are not to be held accountable under the law, not to be held by the limitations of the law to put down the dog and then claim behind the post that they will put down the dog, because their policy is no kill.

So, they can only hold 50 dogs, and the figures I have, in the last two years, was in excess of 300 pit bulls needing to be rehomed or to be rescued by these organizations—over 300, in excess of 300—so I do not see how the proposals that the shelters, which are already overcrowded are going to rescue these dogs. That is a fairy tale; it is a picture of hope for these dogs that they are trying to paint, which is not true.

Also, what the TTVA had suggested, when it was suggested in the other place, that this is an Act that the vets hope to make money off, and that is what the vets intend to do; they want complete registration so they could make money. The TTVA suggestion was that the registration and certification of these dogs actually
be done by the local council themselves, that the vets do not get involved with that. That any moneys to be paid be paid to the local council, so no money was going in the pockets of the vets. The only thing that this Act stipulated that a veterinarian is required to do was the microchipping of the dog, which to a lesser extent could be considered a minor surgical procedure when in fact it is not. It is just the injection of a microchip under the skin. It could actually be carried out by the local council as well. So, it was never the vets’ intention to make money off this law.

5.45 p.m.

I would go further to say that it should be the role of the Government vets to do this job. Currently, in the Government service, do we know how many vets are hired? Every year the University of the West Indies graduates 30 or more local veterinarians, and to date we only have eight field vets in the Government service—eight. The other four are in administrative positions.

These are students who have graduated through the use of five or more years of taxpayers’ money. When they come out, there is no job for them. They sign an agreement through GATE that they are to be provided a job for at least five years, and then we are arguing that there is no way we could uphold this law; there is no way we could get all these dogs certified. The problem is, you all are not willing to create more positions. You are not willing to hire more people in the local council. As the person told me, there are only four people in the Tunapuna council that could deal with dogs.

You all are not willing to hire more vets. There should be one vet attached to each local council to deal with this matter—one or more; in fact two, so when one is on leave there is somebody else.

Hon. Senator: Good point. [Desk thumping and crosstalk]

Hon. Senator: Could you focus on the contribution by Dr. Singh, please.

Sen. Dr. K. Singh: Yes. I would like to continue, please. As was raised by the Opposition, there is currently no way under this Act that a dog classified as class B could be subjected to the same fines, the same insurance, the same remuneration as a class A dog. I would go even further to say that a person who has a class B dog that knows it is aggressive, has no reason under this Act, no encouragement under this Act, no stipulation under this Act, to come in voluntarily and say, “Well look, I know my dog is aggressive. It is not a pit bull, but I know my dog is aggressive. I would like to register it.”
That is a flaw in the law. In fact, it goes so far that people who have a class A dog—pit bull and its types which is a very broad classification—who to themselves, unknowingly do not consider it a pit bull, will not go in and certify their dog.

So you are going to have a lot of people—for example, if you have an elderly person and somebody gives them a dog and says, “Oh gosh, is a mix dog”, they, at no point in time, are going to think, “Wait, nah, this dog is a pit bull”, and carry it to be certified. And that is where there must be some bridging where, when a dog goes to a veterinarian, the veterinarian on some level, must have to advise the client that, “Look, this dog, based on its weight and its body condition score and its temperament, should be a dog that is registered.” And then it becomes the responsibility of that owner to now take that referral that a vet has given for registration and seek out for it to be registered. Because as the law currently stands, if a client goes and the vet does not directly say, “Hear nah, this dog is a pit bull; yuh supposed to have it registered”, he will not register it, and further to say that the vet could be held accountable for not telling the client that it is a pit bull.

So there must be some clarification there. There must be some referral system between the vet and the local government council and the owner, where the owner is sent for certification, and to have it registered.

Let me just go through here. As I said before, there is no law right now in the country focusing on dogs or any animal being kept in deplorable conditions, and that is another point. That is one of the main points, that the animal shelters, the animal activists and the veterinarians, that is the reason we do not agree with this Act and its amendments as it stands because when they went to the Attorney General, when he had his meetings with them, and they put forward those reasons, it was simply stated, “Hold up. The Government’s policy is, no pit bull, that is the matter we dealing with.”

So he turned away, to a great extent, the advice of the professionals and the stakeholders on the matter, yet he will come in the Parliament and say that he did take everything into consideration. I know this because I was at the meeting. So this is not hearsay; this is “I hear and I say”. [Desk thumping]

As was mentioned before, when we have this situation where you have the client and veterinarian relationship being brought into—“what is the word ah looking for?”—brought into question, where the owner is unwilling to take his dog to a registered and certified vet because he is fearful that he will have to go
through this procedure; he is fearful that he will be reported; what you will have happening is that this client will now go to quacks, to people who are not vets. Again, I would like to know if the Minister of Food Production, who is the line Minister for veterinarians, is aware of the number of quacks that are out there. Is he aware that a lot of these quacks are actually employed by the Ministry of Food Production? Is he aware that a number of them are animal health assistants whose job it is, during the time—go ahead.

**Sen. Bharath:** Is the hon. Senator aware that the Ministry of Food Production employs no one? It comes through the Service Commission and they screen the individuals.

**Sen. Dr. K. Singh:** Okay. But you are the one—the Ministry of Food Production is the one that is supposed to enforce the Veterinary Surgeons Act, and in the Veterinary Surgeons Act it stipulates that the Ministry of Food Production, as the line Ministry, is the regulating body for animal health assistants. Further to say, that you have Government vets who use animal health assistants to run their practices after hours, and I would like to refer back to—because I am in the know and I do not think any information should be hidden—that as Sen. Al-Rawi referred to Centau Veterinary Services—Centau Veterinary Services is owned by the Minister of the People, by Dr. Glenn Ramadharsingh, and Dr. Glenn Ramadharsingh, who stated during the debate—and I do not have the exact quote but it will be in the parliamentary documents—stated that he is no longer active in the profession since going into politics. He stated that in the other place during the dog control discussion. And this is a card that is signed, according to Sen. Al-Rawi’s reading, 2013, when this person is not supposed to be there.

In any event, the person—through any investigation by the line Minister for that Ministry, he would discover that the person fraudulently signing “GR”, is a Mr. Manohar Ramarine who is an animal health assistant employed in the Government service for food/animal production.

There is also the person that is running Dr. Anil Ramnanan’s clinic in Rio Claro, is one Chunilal Narine who is also an animal health assistant. Now, might I remind you all that Dr. Anil Ramnanan, as the consulate, sought to remove an employee in the consulate for falsifying his resumé—[Interruption]

**Hon. Senator:** What?

**Sen. Dr. K. Singh:** And here he has hired for him, a person who is not a vet, running a vet clinic. The reason I am bringing this up on this Dog Control Act is because when people go to—as they would call them, “vets” and they are not
vets, and these quack vets tell them, “Yuh doh have tuh worry bout dat registration”, these people will go home saying they have committed no offence, and it is not because of ignorance of the law; it is because of failure of the law—failure of other laws—to ensure that the person, that these people are going to, claiming to be a vet, is actually a vet.

**Hon. Senator:** It is the failure of the Ministry.

**Sen. Dr. K. Singh:** Exactly. It is failure of the line ministry that is supposed to deal with the problem. [*Desk thumping*]

So this is why this concern was strong with the TTVA. The Trinidad and Tobago Veterinarian Association said, “Look, we are willing to back an Act that controls dogs. We are willing to back an Act that ensures that dangerous dogs are not left to run free; that owners take responsibility, but at the same time, you must empower us, as veterinary surgeons, to carry out, to fulfil that Act in the right way.”

That is why we are saying, before you look at this Dangerous Dogs Act and treat the public of Trinidad and Tobago at their whim and fancy like mob politics, before you do that, that you actually look at the situation and you allow for changes in the Veterinary Surgeons Act [*Desk thumping*] and for changes in the running of local government councils to ensure that when a person goes to register their dog, a person who is willing to fulfil everything, and in six months’ time—or, in fact in one month’s time because you are giving people six months grace, but they must be able to do it from the next day—that on the next day when they go and they line up to register, you “doh tell dem, come back, we eh ready”.

**Hon. Senator:** Call the police.

**Sen. Dr. K. Singh:** Call the police, and the police saying, “Call Dr. Singh”.

**Mr. President:** Hon. Senators, the speaking time of the hon. Sen. Dr. Singh, has expired.

*Motion made:* That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. S. Cudjoe*]

*Question put and agree to.*

**Mr. President:** Dr. Singh. [*Desk thumping*]

**Sen. Dr. K. Singh:** Thank you, Mr. President. I just want to say that I know today I may not be stepping but rolling over some toes, [*Laughter*] but it becomes necessary because this Act impacts greatly, not only on the citizens of Trinidad
and Tobago but on my life and on the life of every veterinarian, every dog owner
and every upcoming child who has potential to be a dog owner. There was a long
debate here earlier about the importance of sport removing the criminal element,
and at the same time being a responsible pet owner does the same thing.

Hon. Senator: That is right.

Sen. Dr. K. Singh: When the President appointed me an Independent Senator
and he spoke to me—and I hope I have the liberty to say it—he went into the fact
that I take care of dogs. He went into the fact that I put forward something where
children could learn responsibility by taking care of a dog and veer away from a
life of crime. So we must look at that. We must look at the importance, not just of
a Dangerous Dogs Act, but of dog control from the point of view of humane
treatment of animals and animal rights.

I was going on to say, further to the situation of the animal health assistants,
you also have a Mr. Raymond Ramnarine who is a stock control officer—a
stockman as they call them—/animal health assistant, who acts as a vet in San
Francique. He portrays himself as a vet. He goes home by people and does
surgeries at the person’s home. He has in his possession pentobarbital which is the
lethal injection, the same lethal injection used to put to sleep dogs, but also to put
to sleep humans. He has in his possession ketamine, which is the anaesthetic used
by most vets, but is also recognized internationally as the number one date rape
drug, and he has these at his disposal.

Now, is it that he is stealing it? I am just suggesting it may be a possibility
that he is stealing it from the Government service. Is there then no method for the
Government service to ensure proper stock control taking, to ensure that this does
not happen?

This person—to go further—also has an advertisement on facebook and
passed around to many clinics and put up an advertisement, advertising the sale of
husky puppies. If anyone was to enquire, through the relevant ministries, there
have been no husky puppies imported that actually went through quarantine in the
last three years. But he has husky puppies for sale. He does not have a male or
female.

Further investigation will show you that these puppies came in from
Venezuela, a country that has rabies in it—that has a rabies problem. I would refer
back to the establishment of the Dogs Act, 1918—and I do not know if the
Parliament is aware of why we got a Dogs Act in 1918, but in 1912, when we
were still under the rule of the United Kingdom, there was an outbreak of rabies
in the United Kingdom, and so they moved to quickly ratify the problem by bringing in a rabies control and a dog control Act, and that is why there is an area in the Dogs Act specific to rabies.

6.00 p.m.

And so I am saying we are lucky, we are fortunate in this country that we do not have canine rabies. But if there is no way in that we are now going to register dogs, we are going to ensure that they are properly vaccinated, we are going to ensure that there is a reduction of stray dogs and further to that, we are going to ensure that dogs from Venezuela are not coming in, all it takes is one dog with rabies in Trinidad for there to be a public outbreak and a public scare and Trinidad will be in serious trouble. What the public does not know is that dogs are not regularly vaccinated for rabies in Trinidad because we do not have it, neither are people.

So, the Government must look at the public health implications of not properly controlling stray dogs as well. It is not that we do not have a law to control stray dogs. We do; 1918; 96 years ago. Why is it that as a Government, as a country, we cannot take existing laws which have minor flaws and enforce them before we try to bring up new laws that we still cannot enforce? If you look at the Dogs Act extensively, the only two flaws in it are the fines which are very, very cheap—it is like $50, which needs to be addressed—and the technology used to identify the dogs. So instead of a collar with a label on it, we are asking for an upgrade to microchips and that is all that needs to be done, law wise an amendment to the Dogs Act of 1918 to deal with a great deal of these problems that the Dangerous Dogs Act and this Dog Control Act cannot deal with.

So I am saying to the Government, before they come forward with a dog control/dangerous dogs Act and fool the public into thinking that this will take care of the problem, that this will make them safe where it only makes them feel safe, before they do that, they need to relook existing Acts that can work perfectly if they are actually enforced. It is wrong to convince the public that you are going to enforce this Act in six months, when for 96 years a lesser law could not be enforced. [Desk thumping]

In closing, I would just like to give some recommendations for how this law could possibly work. Firstly, there should be a complete repeal of the Dangerous Dogs Act, 2000 and this Dog Control Act, 2013/2014. The Government should first put the necessary infrastructure in place before trying to pass an Act like this—which the intention is already enforceable by the Dogs Act of 1918—as I said before with minor adjustments, minor technological requirements for registration and changes of the fines and possibly imprisonment for conviction.
Subsequently, they should amend the Act in terms of, if you do not want all dogs registered because you are saying you do not have the manpower for it, you do not have the money for it—and might I remind the Parliament, that the local government was spending $24 million on a building that was empty and was being secured—and probably being secured by security guards and pit bulls—but that $24 million, the local government council could have spent to come up with a programme to register these same dogs.

So I am saying let the classification of dog be by the dog’s potential to be dangerous, not by its breed, according to its weight and its body condition score. Further to that, let all registration, certification, and if needed, microchipping and euthanasia of seized, stray and relinquished dogs be by the local government, the local government councillor and authorities, and the Government veterinary service. So you remove that conflict of interest from the private veterinarians and the client. Let it be up to the Government vets. Let death certificates also be issued by the Government veterinary certificates for class A/dangerous dogs because you need to have a system to know when these dogs have been expired. Because suppose this dog has been expired and the person gets a new dog, he should be required to register that new dog as well. So he would already have a registration but the authority is not aware, and he shows the registration licence that says, yes, and he is allowed to escape the law.

The reason for that is that later, subsequent to this, I am expecting the insurance policy will come only after the dog has been licensed and certified. So if it comes up that the dog the owner is claiming is not the dog he has, then the insurance will be invalid and void and you will run into the situation of a person being harmed by a dog going to claim for damages, and then a lawyer using the argument that that is not the said dog. So they need to cover that.

Further to that, I would like for the Government service to be extended to include not just large animal services, but small animal services so that more vets could be hired instead of eight, that a larger number of vets could be hired, that these young vets who are graduating could get experience to work in the Government service even if it is just for this purpose. It could then be extended in the same way that farmers are registered with the Government service, that as a registered farmer you get subsidized veterinary care, you get tax exemptions, you get reduced cost and equipment for your farm. It could be extended to owners that are willing to register their dog whether it be class A or class B. Once you are willing to register your dog, you could qualify for some subsidization.
If you do that, you would actually have people who will be lining up and willing to register their dogs because this Act is only going to serve as a deterrent in its current state, but you are not actually going to get people coming in willingly to register their dog. It is unfortunate that the intention of this Act to work is, as the Attorney General mentioned, that the neighbour would call because the neighbour might call after somebody dead. It does not only have to be a pit bull as I said before. And so, there should be something that encourages an owner to go in and register the dog, not simply fear of being prosecuted. There should be some benefit to the owner to come in and do it.

With the whole issue of the insurance and it being only under housing insurance, that needs to be reviewed because we are going to exempt a large percentage of the population that have been given HDC houses, that are renting—not renting an apartment. I mean renting a house because they are not owner of the property that they cannot get insurance for the dog. You are going to get people who, up to now, cannot get the deed for their house. As far as they are concerned, they are the owner. They are living in the house 60 years, 100 years, their grandfather before them lived in the house, but they would not be able to apply unfortunately. So there needs to be a review.

The insurance should be given regardless of homeownership. And as was said, homeownership only covers for the dog, for activity in the yard. So when the dog escapes, which all the reports are claiming except the ones where the owner is attacked, that the dog escaped or the dog was outside, there is no money to be had. The insurance does not cover that, and I am saying that only after these changes are made should veterinarians then be obligated to, first of all, educate their clients of owning a potentially dangerous dog according to weight and body condition score; they should issue a written receipt referral where the vet has a copy and the owner has a copy to go for certification. So in event that that owner does not go and anything happens, the vet could say: “I did my job. I sent them for the referral. They did not go for it.”

The vet should have the right to report to the relevant authorities the failure of such a client to have their dog registered after a stipulated time, be it the six months grace period. With these amendments, we would be tending toward a Dog Control Act that could be a stepping stone to achieving what it is the Government wants to achieve.

I would like to say that I recognize the need for a—[Interruption]

Mr. President: Senator, please wind up now.
Sen. Dr. K. Singh: I am winding up. I recognize greatly the need to protect the citizens of Trinidad and Tobago, to protect the children of Trinidad and Tobago from dangerous dogs, and what I am saying is do that, protect them from dangerous dogs, all dangerous dogs, not just pit bulls. I would like, in closing, to remind you all of these two pictures [Senator displays pictures] here with Cyrus Da Virus as he is known, with this, I think it was a four or a five-year-old child hugging up this dog, this dog that is the number one in Trinidad for aggression showing that it has this potential—and at the same time I would like as a veterinarian to state, that the only dog that has ever come close to biting me was a pompek.

In my nine years of practice and my 25 years of dealing with dogs, the only dog that has ever come close to biting me is a pompek. I am sorry I did not print the other pictures, but I have numerous pictures with myself and clients’ pit bulls coming, who the clients themselves think are dangerous and the dog is lying down on top my hand, the dog is kissing me, the dog is sitting on me. I am going to say it, I am sitting in a wheelchair and if that dog wanted to attack, the first thing he would attack is something strange which is a wheelchair, but he does not attack.

We must recognize that there is a lot of sensibility in these animals and we must respect the animal. I think that is the flaw in this Act that we are not showing any respect for the animal, and we are only looking at the owner having a dog but not respecting the dog and not taking care of the dog properly. And I am asking that, as the Government move forward with this Act, they review it and they put into consideration what I have said, what the TTVA has said, and come forward first with animal rights laws and ensure that when the laws come out, the local council is able to deal with it.

Thank you. [Desk thumping]

The Minister of Food Production (Sen. The Hon. Devant Maharaj): Thank you very much, Mr. President, and if I may crave your indulgence, if you permit me to extend on behalf of all of us here, a speedy recovery for our colleague, Sen. Camille Robinson-Regis, who is unavoidably not here due to illness for the second week in a row.

Also, I would like to welcome to the Chamber, temporary Senator Stuart Young, who has finally taken off the veil of independence and declared his hand as a “PNMmite”. I congratulate you for your boldness finally. [Desk thumping] No longer you could pretend to be independent. I am sure we would not be surprised in the near future to see other persons qualified such as David West, who as you know, suited the qualifications of the PNM to act in three positions when he did not have the authority to do so.

Sen. The Hon. D. Maharaj: My jealousy may be coming out there.

Mr. President, we have heard the contributions of the attorneys who normally lead off these debates—the Attorney General, Sen. Faris Al-Rawi and the sectional and factional interest of a vet in the Chamber here with us—and gave us a keen insight into aspects of the legislation before us. But I would like to remind the Senate, and those listening, the reason that brought us here today, the reason why that very first Act of 2000 was brought to the table.

In the late 80s, early 90s, I think globally if I recall properly, there was a proliferation of attacks on persons by dogs and, in particular, one dog, the pit bull or what was described as the pit bull and that spurred countries across the globe, and we have heard it said here that there are laws and statutes in various jurisdictions as old as three decades, 30 years, restricting the use and keeping of this type of animal.

Of course, Trinidadians as being who we are, we followed suit and brought in pit bulls slowly and then we started to breed our own and so on, and sure enough keeping with the trait of the dog or the breed, their innate abilities and their tendencies came out and we have started in Trinidad having our own instances of maulings and attacks and so on, and that brought us to the stage of having the need for a Bill.

6.15 p.m.

I would like to declare, Mr. President, that I am a dog lover; that is my interest. I have always had dogs and I registered my dogs, Sen. Dr. Singh, as was the requirement of the day, Rottweilers. The last dog that I had was a Belgian Shepherd.

Sen. Dr. Singh: Just for clarification, did you register them with the Kennel Club or did you register them with the local government council?


Sen. Dr. Singh: Right and that is not what the law asks for. The law asks for registration with the local government council. The Kennel Club is an independent organization whose registration is only to maintain breed quality and standard. Thank you.

Sen. The Hon. D. Maharaj: Thank you for that clarification, Sen. Dr. Singh. My dog was registered with the Kennel Club. The last dog, as I said I had, was a Belgian Shepherd. I had to give it up because I felt, coming into Government, I
did not have the time to give to my dog, to being around on a regular basis, because dogs, like children and smaller pets and animals, will need the attention of the master.

**Hon. Senator:** What is the dog’s name?

**Sen. The Hon. D. Maharaj:** My dog, at the time, was named Dino after the Flintstone dog.

Mr. President, coming into Government, there was one piece of advice I got, which was a quote from Harry S. Truman, and it said that if you want a friend in government, get a dog, because a dog is, perhaps, a better friend than many of the politicians that we have to encounter. No reflection on the Opposition, of course.

**Sen. Al-Rawi:** No, well, you said Government so it makes sense.

**Sen. The Hon. D. Maharaj:** Mr. President, this Act seeks to amend the Dog Control Act of 2013, and as indicated previously by the Attorney General, on July 03, 2013, 36 Members of the House of Representatives voted unanimously for this and one Member voted against the measure. There were no abstentions. On July 10, 2013, in this Senate, 28 Senators voted in favour and one voted against, and there was one abstention. An undertaking was given then, as indicated by Sen. Al-Rawi, by the Attorney General that the Government will entertain some amendments that arose during the course of that particular debate.

As a result of that undertaking by the hon. Attorney General, several consultations took place, and it should not be sidestepped or diminished that those consultations took place. I heard the point by Sen. Dr. Singh that he was invited and he seemed to have walked away with the impression that his contribution was dismissed, but consultation does not mean you have to take on board all the recommendations that were made at that point in time. But the consultations took place, nonetheless, and it is in keeping with this Government’s philosophy, and I hold up my favourite book, our manifesto, which brings to life our promises of 2010. *[Desk thumping]*

**PROCEDURAL MOTION**

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Mr. President, in accordance with Standing Order 9(8), I beg to move that the Senate continue to sit until the completion of the business at hand.

*Question put and agreed to.*
Sen. The Hon. D. Maharaj: Thank you. I was holding up the bright yellow book that so irks Sen. Al-Rawi, and I turn you to page 67 of the book where under:

“WHAT DIFFERENCE WILL A MANIFESTO MAKE?”

Something which is alien to the PNM. On page 67, point 9:

“The tone of the country will change and barriers will be broken down through consultation, participation, involvement and consensus-building. This will help us to achieve unity of purpose in our efforts and partnership and trust in the society.”

Mr. President, do you recall when they had the consultations or so-called consultations, or what passed for consultations in the PNM, when they had consulted with persons with the aluminium smelter? You had to be specially invited to those consultations—and that was a public consultation by the way—and this is the difference in our administration and theirs. We invite all the stakeholder groups to participate and join with us with their points of view. [Crosstalk] It could be different from it or not, but at the end of the discussion and the dialogue, there will be a better result than what started out. [Desk thumping]

These consultations, Mr. President, included the Association of Trinidad and Tobago Insurance Company, the association of Trinidad insurers, Trinidad and Tobago Veterinary Association, Federation for Canine Registration of Trinidad and Tobago, Society for the Prevention of Cruelty to Animals, Animal Welfare Network, dog breeders, kennel operators, dog trainers—to name a few. Mr. President, in addition to these consultations, we have also taken on board the recommendations made both in the Lower and the Upper House. As a result, why did we engage and spend so much time in consultations taking on board what was the feeling of the parliamentarians here and elsewhere—the man on the street—about dogs? In fact, coming into the House, I was also approached by those protestors who were supporting this Bill here today, before I was gerrymandered by the campaigning antics of Sen. Al-Rawi as he positioned himself for a news broadcast later.

But why are we so concerned? I pose the fact that when humanity stepped out of the bush, so many thousands of years ago, we did not come out alone, we walked with a pet. The dog, perhaps, is one of the earliest domesticated animals of mankind, and there are many religions that somehow have animals that we have domesticated, in particular, the dog and the cat.
“Human beings and dogs
Man’s best friend
Scientific research throws new light On a very old partnership”

Published in *The Economist*, talks about the unique relationship between man and dog. It points out that the relationship between man and dog goes back some 26,000 years before [Interruption] the manifesto and before the works of many of our literary treasures.

In that article, it speaks to the training of dogs:

“…effectively becomes a contest for dominance in which there can be only one winner. To achieve this the trainer must use a variety of punishment techniques to gain the dog’s submission to his mastery.”

It goes on further that the dog shares a 99.6 per cent DNA as wolves. He is closer to the wolf than we are to the chimp. We only have a 96 per cent DNA similarity with the chimp. The domestication of the dog has been a very long and complex process, and has built up that very emotive bond between man and dog, so much so that there are many persons who have dogs that they consider their children.

We know from our history with this animal over the centuries that dogs can experience joy, anxiety, anger of course, which has brought us here, but emotions that demand some degree of self-reflection, such as remorse, guilt and jealousy, that seems beyond the capacity of the dog. The dog lives in the moment, unfortunately, so many people share that trait as well.

Also, the study in this particular piece of work by *The Economist* shows that:

“…the incestuous narrowing of the gene pool that modern pedigree breeders have brought about. Dogs today, are rarely bred for their working abilities” — which include hunting, herding and so on—“but for a…particular type of appearance, which inevitably risks the spread of physical and temperamental abnormalities.”

That is what we are seeing—those temperamental abnormalities in the pit bull.

Mr. President, as a result of this discussion and as a result of the affinity that we have to our pets, that we have taken the time—and it is not rushing the legislation as suggested by Sen. Al-Rawi in his contribution—we have taken the time, since last year July to now, to ensure that we have a robust piece of legislation that would initiate change, and find that tightrope between animal welfare and the rights of the owners as well as the rights of the citizens to be
protected. We are faced with the conundrum of dealing with the legislation that focuses on the deed and not the breed, and as such, we have incorporated into this Act, matters pertaining to responsible dog ownership, dog care and, in general, dog control, but dangerous dogs, in particular, by way of provisions such as fencing, microchipping, registering and insurance and so on.

Mr. President, since 2000, we have passed the Dangerous Dogs Act, as I said before, and the contribution of Sen. Dr. Singh I heard, and I could have felt his passion about, not only his profession, but this Act and dogs. But we are here today, Mr. President, 13 years after that piece of legislation—a pioneering piece of legislation that was laid into this House in 2000, and after countless amounts of dog bites, because of the PNM—I blame every single dog bite in this country from 2000 to now because of the PNM.

Sen. Al-Rawi: What is new?

Sen. The Hon. D. Maharaj: They presided over a decade where people were being mauled, people were being bitten, people were being attacked and they did nothing. We are here today to remedy that deficiency of the PNM. [Desk thumping] I understand Sen. Dr. Singh’s sense of helplessness that there is so much to be done in terms of legislative renovation, there are so many Acts that need to be fixed, but, Sen. Dr. Singh, we have been only here four years so far and we have been in the process of addressing the deficiencies that are the hallmark of the PNM.

Sen. Dr. Singh: If the Minister would give way for one minute.

Sen. The Hon. D. Maharaj: This Dog Control Act is just one of many. You will have a turn just now, right. The situation of these abandoned pieces of legislation not addressed—Mr. President, could you imagine in the last decade, and I want to spend a considerable amount of time in my contribution about the victims because we seem to have ignored the victims. [Desk thumping] That is why, you know, when “Chalkdust”, the calypsonian, sang, the law is—I do not know if the next word is parliamentary or not.

Sen. G. Singh: “Nah, nah, nah”, it is not. [Laughter]

Sen. The Hon. D. Maharaj: All right. I wonder, while we construct these laws, we forget laws are to govern people and people were being bitten and mauled under an administration who sat on their hands while there was a piece of legislation there ready to be proclaimed. If it is that they saw that our citizens were being attacked, why they did not act? [Desk thumping] But they want to come here and play holier-than-thou now, now that we have brought a piece of
legislation to address an issue. We are not saying that it will solve all, it will not be the panacea to solve all of the ills, it will solve a part of it. [Desk thumping] It will solve part of it, we will get to the rest, but we cannot cram the deficiencies of the PNM for the decade in one little piece of Act. We cannot do it. We will try and we will get around to those other pieces of legislation that you have ignored in time.

6.30 p.m.

Mr. President, there was no political will because they were not interested in the common man because when I looked at the media reports, I did not see Calder Hart being bitten; I did not see Ken Julien being bitten; I did not see Malcolm Jones being bitten; I did not see—[Interruption]—they were not being bitten. The PNM was biting the Treasury—[Interruption]


Sen. The Hon. D. Maharaj:—that is why they were not interested in those things. They were not interested. They were interested, not in the people—not having consultations with the people. They were having consultations in the Hyatt Regency with community leaders. That is who they were interested in. They have no time for the concerns and plight of the common man, bitten on the streets, being forced to be in his house if his neighbour, on the street, has a pit bull.

Mr. President, with respect to the amendments, section 4, class A dogs, which has the Schedule attached and so on. The dogs in class A are:

- The American Pit bull terrier
- The American Staffordshire terrier
- The American Bully
- The Dogo Argentino
- The Fila Brasileiro and
- The Japanese Tosa

The decision to isolate these six dogs is not without reason and it was not without informed and recent precedent, some of which have been cited by the hon. Attorney General but I think we need to belabour these points because they focus on the victims and the PNM seems to be focusing on the privileged rather than the victims.
In a study entitled “Pediatric Dog Bite Injuries—a 5 Year Review of the Experience at The Children’s Hospital of Philadelphia” published in 2009, the journal Plastic and Reconstructive Surgery, researchers sought: “to characterize the nature of dog bite injuries treated over a 5 year period…

...551 patients aged 5 months to 18 years were treated in the emergency department after suffering dog bite injuries during the…period”—of the study. Out of those 551 patients, an alarming 51 per cent of the attacks were from pit bulls. Fifty-one per cent. So here you have a sample size over a five-year period. The main culprit, the dog that was biting the bite was the pit bull.

In 2011, “Mortality Mauling and Maiming by Vicious Dogs” Cited by the Attorney General—worth repeating again—cited over a 15-year period, they found that the:

“Attacks by the pit bulls are associated with higher”—mortality—“rates, higher hospital charges, and a higher risk of death than…attacks by”—any—“other breeds of dogs.”

Pit bulls have the highest rates among these. The researcher suggested that—and I quote directly:

“Strict regulation of pit bulls may substantially reduce the US mortality rates related to dog bites.”

We often want to copy First-World countries and we say these are best practices but when we are copying it here, in this instance, those opposed to us say: no, let us take a half-hearted, watered down approach to it. The researchers found, in that particular—in the Manitoba study, for example, that at the provincial level, there was significant reduction in dog bite injuries, hospitalization rates, from the breed-specific legislation compared to the post breed-specific legislation. And that makes reference to the passing of that piece of legislation in Manitoba over 30 years ago.

And here it is we have empirical evidence that prior to the introduction of this piece of legislation, the rate of dog bites from pit bulls, in particular, and after, we have empirical evidence showing that the legislation works in reducing fatalities, attacks by pit bulls. [Desk thumping] We would see the same results here, once this legislation is passed. We would see a reduction in people being attacked by dogs of this nature.
Again, PETA, cited by the Attorney General—and we have to recognize, PETA is in the business of protecting animals. PETA has gone to Oscar Awards with blood in a bucket and “throw” it on movie stars wearing fur.

Sen. G. Singh: Let us spell it and say what it means.

Sen. The Hon. D. Maharaj: PETA means People for the Ethical Treatment of Animals. These are people who are prepared to be locked up, arrested because they believe in animal rights. They are prepared not to eat meat—go and protest outside fast food restaurants and so on because they believe that animals are being treated unethically. These are persons who would protest against cosmetic companies because they are testing on various animals and they are saying that pit bulls should be banned. So that should tell you the nature of the animal that is being dealt with in this case.

In fact, from Ingrid Newkirk, the co-founder of PETA, article:

“Controlling an Animal as Deadly as a Weapon
Wednesday, June 8, 2005”

She says here:

“…we have a file drawer chock-full of accounts of attacks in which these ill-treated dogs with names like ‘Murder’…‘Homicide’ have torn the faces and fingers off infants and even police…”

Mr. President, since the introduction of this animal to our country, there have been several high profile attacks, especially—and I would want to point out the attacks that happened under the tenure of the PNM, that did absolutely nothing and I want to belabour that point because it cannot be said enough that you are in office, you are elected by the people to seek and advance their rights. Your citizens are being attacked by an animal. You are not bounced down on the road, people are not robbing “yuh” and so on—by an animal and it does not faze you; it does not animate you into doing anything. You do not seem to be concerned.

“…on August 26, 2001…Stephen Ramsahai, 39”—years old—“was viciously attacked. On November 23, 2002, Christian Williams, a nine-year-old schoolboy, was mauled by three pit bulls.”

On June 22, 2004 a: “…77-year-old, Chandrawattie Beera…was attacked and mauled…by two pit bulls…”—that—“jumped the fence at the woman’s home and attacked her while she was gardening in the backyard.”
And that is perhaps why Sen. Hadeed, in his ad had a pictorial representation of a pit bull scaling a fence—not to single out that particular dog, that that dog was jumping the fence but to show that pit bulls potentially can scale fences, and they could come outside and they can attack individuals, innocent as they are. And I will give you some more examples of this. We have 84-year-old great grandmother, Lillian Bunsee, she was mauled to death by the family pit bull. Residents saw the woman:

“...on the ground...with the dog tearing away at her body.”

They tried throwing boulders “at the animal in an attempt to stop it but their”—attempts were unsuccessful.

“Investigators said several police officers who were on patrol nearby went to the scene after receiving”—the—“report and”—they—“were only able to have the dog stop biting the woman after opening fire on the animal, shooting it six times.”

Mr. President, understand the viciousness of the animal—attacking the owner, grabbing the owner, pulling her on the ground. The children around the area—taking up some big stones and “pelting” the dog, trying to get the dog—the dog is not distracted at all; focused on the attack. Police arrive at the scene, once, twice, three times, four times, five times—six bullets in this dog, and this dog refused to die?

This is what—we want to protect from happening again in this country. I want to remind you of the security guard, Denise “Raskal”, 46.

**Sen. George:** Rackal.

**Sen. The Hon. D. Maharaj:** Rackal. She was savaged by seven dogs which ripped her throat open—ripped her throat open, Mr. President.

**Sen. Cummings:** That was under the UNC.

**Sen. The Hon. D. Maharaj:** Put, put—“I not talking ’bout UNC at this point in time. We dealing with it. No, but yuh raise ah good point”, Sen. Cummings. It happened under the UNC, Mr. President, this dog attack, but we are not sitting on our hands like the PNM did. We have brought a piece of legislation to treat with it. [Desk thumping] You cannot claim the same. For 10 years you all chose to do nothing.

Mr. President, “yuh” have this animal ripping your throat out, your blood mixing up with your ear, picture the horrific death that is happening here—the pain and suffering happening on the spot. We all have to identify with the victims and see
what we are doing. You may want to go to the ideal, perfect situation but think of why we are doing what we are doing. The attacks—because of these attacks, the husband cried out for justice—Ms. Rackal—he said:

I think Government should hurry and pass the legislation pertaining to these vicious animals because it is happening too regular.

He said the Government should hurry up and pass the legislation and, Mr. President, we are passing the legislation. We are listening.

More recent pit bull maulings have caused even severe injury and the loss of limbs to citizens. In 2011, the headline read:

“Man saved from pit bull attack: ‘Death in their eyes’

Carl Joseph, a resident of Taylor Street, Four Roads, Diego Martin, was bitten about the hands while shielding his throat and face from two pit bulls that had escaped from a nearby residence…”

Mr. President, going through these pit bull attacks, when I went through where they are located, I mean, even the last one here that I want to cite:

“Teen mauled by pit bulls

…15-year-old”—Chrishel Tannis—“…was bitten seven times on the left hand. She was rescued by a neighbour who beat off the dogs with a piece of wood.”

And then we have the:

“…Point Fortin mother, Kurleen Cooper”—36—“fought to protect her unborn child when she wrestled with three pit bulls…

Cooper suffered severe lacerations to her legs…face, eyes”—and genitals. “Her sister…Cooper-Julien said the attack was so severe…her left arm was almost severed.”

And of course, Karen Lara, who was spoken about by the Attorney General, almost having to abandon her career; and her life has significantly been traumatized. When you look at some of these things, and I want to cite some more examples, eh, Arima, at the time; Point Fortin, Maraval, Diego Martin. These are all, a lot of them—the majority are all PNM constituencies. Now “ah” not saying there is a correlation between the pit bull attacks and PNM constituencies, do not get me wrong. But I cannot recall, in all of the reports, if any Member of those opposite even had the compassion to visit the victims and say: listen, we are going to deal with this.
Did any member of the PNM, while they were in Government or even now they are in Opposition, take the time and effort and say: listen this is something that is receiving the attention of the Parliament and it will never happen again to you or anybody you may know. I have never seen that. And again, it is keeping with my theory that they “doh care ’bout” anybody. They do not care. “Ah” want to remind them about the two-year old, Nickoli Blackman, who was attacked by a pit bull in Plymouth “as he walked with his mother.”

I wonder if Sen. Shamfa Cudjoe visited that family in Plymouth and “commensurated” with them and told them that she is going to come to the Parliament and oppose the Bill. You see, the mother said the dog broke away from its owner and attacked her son without provocation. It then turned on a 17-year old boy from Spring Garden Trace. And she is now calling—the mother that is—for the necessary legislation with respect to dangerous dogs to be enforced.

“‘...the dog issue is a serious one”—she said—“in Trinidad and Tobago. The pit bull is a deadly animal. On a whole I find people should not have pit bulls throughout Trinidad and Tobago’, said Glod. The dog was later shot by police...who arrived”—later—“on the scene.”

So there is a strong sentiment among sections of the population who feel that there should be an outright ban of pit bull. And, Mr. President, these examples, locally, that I have cited, I did not, and I could not find an example of a mauling by a pompek; I tried. I could not find a mauling or a vicious attack by a shepherd, by a Dobermann. The offensive animal here remains a dog, described by all—police, victim, even owner, as pit bull. So, to use the example of Sen. Al-Rawi who has absconded from the Chamber—an equality of treatment for all dogs; we are taking one swallow to make a summer.

That the exception should be the rule and that should not be the case. It is strange that Sen. Al-Rawi wants equality treatment for dogs, but under the PNM, there was no equality of treatment for people, but that is a different debate. [Desk thumping]

6.45 p.m.

Mr. President, bearing in mind some of the other dogs cited in schedule A. I want to give you some international examples because these other dogs are just as terrifying to the national community, should they find their way and establish a beachhead here in Trinidad and Tobago.

In May 2013, we had a:
“...49-year-old, Robbie Nelson”,—he was mauled by—“three American pit bull terriers...”

And that is separate, pit bull terriers, an eye witness said that:

“They were gnawing on his shoulder the way dogs...”—gnawed on— “the knuckle of a bone.”

‘His upper body was so traumatized...’

—and I pause as we have the return of Sen. Al-Rawi coming from the library, no doubt. [Laughter]

“His height has probably saved him”.

And that was from Sydney, a report from Sydney, Australia, pit bull attack on jogger. The jogger “screamed for mercy” as police announce”—that the—“dogs will be destroyed”.

On April 24, 2013 in Atlanta, Georgia:

“Two-year-old Beau Rutledge had been attacked by his family’s pet of eight years, a mixed breed American Staffordshire terrier that shares the same background as the pit bull terrier. Beau’s mother, Angela Rutledge, had gone to the bathroom and when she came out, her only son was no longer breathing.

“Family, neighbors mourn toddler’s death as officials investigate what caused”—the—“attack”

So here was a family dog, 8 years old playing, the child grew up with the dog, and in a heartbeat, the mother not looking, child died, cause of death; dog. That is one of the dogs listed in schedule A.

Again, in Australia:

“A man, in his 50s was walking down”—the street—“Drummond St... when he was attacked by several American Staffordshire Terriers.”

A—“Witness Julie Smith said she saw the dogs corner the man...where he cowered, screaming.”

An eyewitness said—“The dogs were mauling him. He was cut all over his hands; he was in shock,”

On May 12:

“Seven-year-old Malik Albright”—of North Carolina U.S.A. was left with—“deep wounds on his face, ear, and leg from...”—“an 80-pound American Bully Terrier.”
The dog owner said that:

“They were worried about an encounter”—with dogs and—“neither dog has...shown aggression to children”—in the past.

And that was taken from the Charlotte News, North Carolina.

On August 07, 2007:

“A 4-year-old girl suffered severe cuts to her head and upper body... when a 140-pound”—Dogo Argentino—“mauled her during a visit to grandparents’ home in West Palm Beach...”—Florida.

These are all family pets. These are all known.

In China, we had:

“A 61-year-old man from Guizhou Province”—fatally attacked by two vicious Dogo Argentino dogs while exercising...”

The victim...“was dragged more than ten meters and ended up being bitten to death, with one arm eaten off...”

This is a dog doing this, you know. This is not a wild animal. This was a dog who probably a few hours before was being played with, and pet by some owner.

In 2006:

“A 79-year-old woman died after being attacked by a dog on a street...”

And this was in the Japanese Times.

She—“was bitten in the neck by the 1.5-meter-long male”—Japanese—“Tosa...”

Right here in Belize, in 2012, 66-year-old Clive Bernard Coye who worked with the Agricultural Development Research Centre for 10 years, was mauled to death by two vicious Fila Brasileiro guard dogs. He had what appeared to be multiple dog bites on his body, and two of the dogs were on either side of the body. So after they attacked him and bite him up, they sat down on the side.

Mr. President, the reason why I have taken the time in my brief contribution here to cite these attacks, and without going into the gory details is for a reason. It is that while we debate the nitty-gritty of the law, we must not forget why we are doing this. We must not forget the persons who have paid the price of loss of life and limb, and had their whole life altered and changed, because of an encounter with a vicious dog. And in this case, the vicious dog is the pit bull.
As I have said before, while the vets, by virtue of their profession, would run across instances of other issues of dog bites, the dogs that are perpetrating the most amount of harm that have come forward, and received the media’s attention, is the pit bull.

Sen. Dr. Singh, in his contribution said that the pit bull sells papers, and he is correct, but why do the pit bulls sell papers? Why do they sell papers? The pit bull is not a celebrity. The pit bull is not an attractive dog—an ugly dog, but pit bulls sell papers because they have the reputation of being cold-blooded killers. [Desk thumping] They have that reputation, and people, when they read the headlines, when they see the photographs; they want to find out more about it, because you want to find out if there is a dog next door to you.

I live Arima, and a few years ago somebody broke into somebody living close by in Malabar yard, the dog attacked the man. The man ran out of the yard, the dog followed him and killed him in the drain. I could tell you, crime dropped in the whole area afterwards, right. [Laughter] But I mean, simple larceny like that is not an offence punishable by death. The punishment does not suit the crime. You do not deserve to die for simply just breaking in. It does not seem to be just. So I have cited the victims.

And I reflect upon the contribution of Sen. Al-Rawi who again, has absconded, or, he is waving as he speaks on the phone across there—who spoke about the interarticulation of various pieces of—the Veterinary Surgeons (Registration) Act, the Municipal Corporations Act, the Dogs Act and so on, but he never spoke to the articulation of the victim’s rights. Never! [Desk thumping] There is a callousness in their contributions that seems to separate the victims, and what they went through, from where we are today. [Desk thumping] What brought us here?

The different kennel clubs that were cited by Sen. Dr. Singh, they have used a phenotypical approach of identifying the pit bull, but we should understand who these kennel clubs are, that we have cited here in the legislation, where we said we would use the American Kennel Club and the Canadian Kennel Club in particular in the legislation. These authorities have been established for some period of time. They recognize and approve the pedigree status of dogs and so on.

And as mentioned by the Attorney General and he produced for me the pedigree status of a dog—has a specific standard in some cases pages upon pages, jaw size, bite size, teeth size, toenail size, everything. They have it down to a science about the different types of dogs and so on, to standardize what a typical dog of a particular breed is supposed to look like. So if you want to buy a dog, you know it has to conform with certain criteria.
Section 4 of the Dog Control Act, is to define the class A dog which says:

“any dog which has the appearance and physical characteristics predominantly conforming to the standards of any of the types listed in the Schedule, as established by the Federation Cynologique Internationale, United Kennel Club, Canadian Kennel Club or the American Kennel Club as certified by a veterinary surgeon;”

The Federation Cynologique Internationale, which could be translated as the World Canine Organization in English, is an international federation of kennel clubs based in Thuin, Belgium. It was created since 1912, over 100 years ago. It includes over 89 Members and contact partners with at least one member from each country.

That each issues its own pedigree and train their own judges. Some of the member countries in our region include Dominican Republic, Cuba, Puerto Rico and Venezuela. The FCI recognizes 343 breeds each of them is the property of a specific country. The owner countries of the breeds write the standards of these breeds, description of the ideal type of the breed, incorporation with the standards and scientific commissions of the FCI, and the translation updating carried out by the FCI.

All breeds recognized by the FCI are divided in 10 groups, one of which is terriers and further subclassified into four sections: large and medium sized terriers, toy terriers, bull-type terriers and so on. These sections are broken down even further to reflect specific breeds such as the American Staffordshire Terrier.

The United Kennel Club which is one of the other kennel clubs cited in our legislation here before us, was established in the 1898. The United Kennel Club is the largest all breed performance registry in the world, registering dogs from all 50 states of the United States, and 25 foreign countries. The UKC currently recognizes over 300 separate breeds. Effective July 15, 2013, the United Kennel Club welcomed a new breed, the American Bully to its list of recognized breeds, which will be in the terrier group.

The American Bully breed which is one of the breeds that adds a gene pool stock to the pit bull, in some cases, has developed as a natural extension to the American Pit Bull Terrier, a breed that has maintained the characteristic appearance and temperament for over 100 years. As with any long standing breed, several distinct types have evolved from the parent breed, with one in particular the American Bully, taking on a specific build and structure, unique to warrant it becoming a separate breed altogether. The American Bully whose foundation stock is undeniably the American Pit Bull Terrier, was also developed by blending stocks from other bull terriers.
Mr. President: Hon. Senators, the speaking time of Sen. Maharaj has expired.

Motion made: That the hon. Senator’s speaking time be extended by 15 minutes. [Sen. S. Ramkhelawan]

Question put and agreed to.

Mr. President: Minister of Food Production. [Desk thumping]


The other kennel club cited in the legislation as a reference marker was the Canadian Kennel Club, which began as a small gathering of dog owners in 1888, and it has since mushroomed into Canada’s authority on pure-bred dogs. It currently supports a membership of over 25,000 members, and they focus on the advancement of pure-bred dogs in Canada. They recognize and provide a registry for over 175 breeds and regulate the Canadian Kennel Club—approved shows and events, and speaking out on major issues affecting the canine community.

The American Kennel Club is a registry of pure-bred pedigrees in the United States. It was founded in 1884—I think even before Tobago was joined with Trinidad—by a group of 13 breed clubs, 10 American clubs and three Canadian clubs. The American Kennel Club divides breeds into seven groups; currently they recognize 178 breeds of dogs. They have in this American Kennel Club, what is referred to as a miscellaneous class breed, which includes 19 breeds. The reason I draw your attention to this is that in this class, is intended as an interim stage prior to the breed becoming eligible to compete in a variety of shows. And under their current policy, the stud book will continue to be maintained by the foundation and so on.

Before entry into the miscellaneous class, the Board will work with the National Kennel Club to determine the variety, the group to which the breed would be assigned, after a limited time, the miscellaneous class—a date will be set in which the breed will become eligible to compete in a variety of global, all breed shows. So the process of a dog being recognized as a full breed, in this miscellaneous class, is a holding group. I suspect that sooner or later, the pit bull will have to be recognized as a breed, even though now, before us, it is not so defined.
7.00 p.m.

These clubs have been cited in their own respective parent legislation of various countries, the United States and Canada, as to saying that the phenotypical appearance of the dog is enough for them to determine if that dog is a pit bull or not. There has been some degree of disquiet here, not necessarily in this Chamber, about persons arguing the point that there is no breed called a pit bull. For that reason, we have to look at probably the genetic makeup of the dog or any dog might be a mixed dog.

Mr. President, buy a paper today, any paper and go under the section for animals, classified ads, any paper in Trinidad, and look under “Animals”, under the classified section. They say, “Pitbull puppies for sale”, call so and so. If you let me use my phone now, Mr. President, I will call them and they will tell you what price. They know what a pit bull is when they are selling it.

If I show up at the owner’s place and he haul out a Pompek, I am not going to pay the $3,000/$4,000 for a pit bull because I, as the buyer, know what a pit bull looks like. So it appears that the only people who do not know what a pit bull looks like are the PNM politicians and selected vets because in Trinidad and Tobago pit bulls are traded more frequently than commodity stocks on the stock exchange and the common man, who we represent here, knows what a pit bull looks like. We know what a pit bull looks like because I can tell, if Sen. Helen Drayton, in a twilight moment, bounces up a pit bull in the middle of the street she would know what a pit bull looks like because she will know to walk far.

We all know that on that dark night, walking to the Hyatt car park there, if you see something looking like a pit bull, you will not say—Sen. Young would not say there is no breed called a pit bull. He would make an abrupt left turn and try to get one of the marshals here to help him get rid of that dog.

**Hon. Senator:** And look to the Rising Sun.

**Sen. The Hon. D. Maharaj:** Look to the Rising Sun. So we know what a pit bull looks like. We are just fooling ourselves here with an analysis paralysis and, in the meantime, persons are being exposed in our streets to being mauled and attacked in a most vicious way.

We have included the responsibility of the owner in this Act, section 7(5)(a)(iii):

“A local authority shall not issue a licence to the owner of a class A dog unless the owner—
(a) presents to the local authority—

(iii) a certificate of good character issued by the Commissioner of Police
not less than six months prior to the date of the application; and he has
not been convicted of a criminal offence for which the penalty is a
term of imprisonment of one year or more;”

Why would this even come in here? Why would you need a certificate of
character as an owner?

In my research for this Bill, Mr. President, I came across a study from 2006,
the *Journal of Interpersonal Violence* and it revealed that the owners of vicious
dogs were significantly more likely to have criminal convictions for aggressive
crimes, drugs, alcohol, domestic violence; crimes involving children and firearms.
These findings were again confirmed in 2009 in a report published in the *Journal of Forensic Sciences*. The author of that report wrote:

Vicious dog owners reported significantly more criminal behaviour than other
dog owners and they were ranked higher in sensation seeking primary
psychotherapy.

In 2011, another study in the *Journal for Forensic Sciences* found that:

Vicious dog owners reported significantly higher criminal thinking,
entitlement sensibility and superoptimism tendencies. Vicious dog owners
were arrested, engaged in physical fights and used marijuana significantly
more than other dog owners.

So there is a correlation between dog and owner, according to their study in the
United States, and if we follow their pattern properly, we should do something
similar here.

Dogs and cats, domesticated animals as they are—[ Interruption ]

**Sen. Dr. Singh:** If you would give way for one minute, please? I just want a
clarification. Are you suggesting that by having a certificate of good character
that you are ensuring that the owners are good dog owners?

**Sen. The Hon. D. Maharaj:** No, I am not suggesting that, Senator. I am
suggesting that as a requirement for the certification of the dog about the owner’s
character.

**Sen. Dr. Singh:** Why I ask is that as a veterinarian we are faced with having
hunters come to us to get vaccination cards to carry to get their hunting permits.
These are hunters who have licensed firearms and they would have gotten that
licensed firearm by applying with certificate of good character and these hunters that come with licensed firearms, who have a certificate of good character, do not keep their dogs in good condition. So, if you are saying that by having a certificate of good character, you are implying that you are ensuring that the owner is a good owner, I think you are misleading the Parliament there.

**Sen. The Hon. D. Maharaj:** I did not suggest anything of the sort, so I think you are misled in your mind in that regard. The Ministry of Food Production, along with the Ministry of Local Government and Ministry of the Environment and Water Resources—where do dogs and cats fit in the scheme of governance?

The Ministry of Local Government gets involved when the dog is a stray and people are called to get them to the pound and so on. They are not wild animals so they are not covered by my colleague, Sen. Singh, and they are not an animal for farm production; they are not livestock so they clearly do not fall under—so there is an area of “inbetweenity” even though we have some degree of accommodation for them among the three Ministries.

In that regard, we have still sought to address some of the issues regarding dogs in particular. To that end, the Ministry of Food Production in January 2014, that is this year, we gave a subvention, which is the first subvention ever by this organization, Animals Alive, and this Animals Alive is an important NGO. It gives homeless animals a second chance as opposed to being left to scavenge on the fringes; to be viled or killed in the pound or on the road. They provide an environment where the animal is not euthanized.

Sen. Dr. Singh may know of the existence of that home. We are providing tangible support for them. Their operations are about a few years old. They house a number of dogs of which a few have been identified as pit bull and the Ministry will be becoming more and more involved in shelters such as these.

Animal Alive provides an educational environment for school children and so on. This gives you an indication of the Ministry’s recognition of the role and importance of NGOs in the containment of the stray dog community. We have also dealt with the issue of quarantining of dogs and cats, which I am sure you would be interested in.

At the beginning of today’s proceedings, I laid on the Table an amendment listed in the Ministry’s name. This was the Animals (Importation) Control (Amdt.) Regulations, with effect from April 2013, heeding the calls of the public that allows, for the first time, the importation of dogs and cats without quarantine because for years the public complained about the stress and frustration experienced by both pet owners and animals alike from the six months quarantine.
We have had reports about dogs being used for breeding purposes of those who controlled them. I have had one report of a cat being killed in quarantine and the animals underfed and really traumatized at the end of it. This makes Trinidad and Tobago the forerunner in setting the modern standards for the importation of pets in the region by being one of the first countries to implement the laws based on the protocols drafted by Caricom Working Group of Chief Veterinary Officers. Of course, there is a protocol listing for dogs coming in, you have to satisfy, including microchipping.

So this way, if you are a dog lover and participate in dog shows and you leave Trinidad with your dog and you go to, let us say, Germany, and you come back, that same dog would not have to be quarantined for six weeks or so. These are some of the benefits of that.

So, Mr. President, we have been very cognizant of the pains of the citizenry of Trinidad and Tobago. We have heard their cries. We have seen them in the hospitals and, unfortunately, we have seen them in the morgues and we have responded. We have decided not to sit on our hands while our citizens are bitten and mauled. [Desk thumping] We have come here today to remedy that and say to our citizens, “Never again!” I thank you.

Sen. Stuart Young: Mr. President, hon. Members of the Senate, as I stand here on my maiden and debut contribution to this honourable Senate, I would like first of all to be allowed the opportunity to thank all those who have said kind and maybe tongue-in-cheek words to me this evening. It is much appreciated.

First and foremost, I would like to thank the hon. Leader of the Opposition, Dr. Keith Rowley, for the privilege and the honour to serve the people of our great nation of the twin-island Republic of Trinidad and Tobago. For me, this is indeed a great and valued opportunity; one that I dare say is sometimes not respected and appreciated. I have been blessed to be allowed this experience and promise to do my best during my short appointment to fulfil the faith, trust and confidence placed in me by the hon. leader, Dr. Rowley.

Taking up on the point of the hon. Senator, Devant Maharaj, a short while ago about seeing people in pain, I can share with you personal experience that over the past few years I have been approached by many, many people from all walks of life and all different quarters of society who have shared with me their personal and heartfelt sentiment, and it is one that has been echoing throughout our land. The sentiment and opinion, one that I share, is that our great country is at an all-time low, an unparalleled and never experienced low. They have expressed complete disappointment in our treatment of the citizens of Trinidad and Tobago, so I am heartened here to hear this is the Government’s solution.
Even though they continue to blame the PNM for everything, four years later we have not heard a new plan or a new policy and they continue to blame the PNM for everything. [Desk thumping] This was the blood-curdling cry that forced me and made me jump at this opportunity to serve the people of Trinidad and Tobago and to give up my independence, as Sen. Devant Maharaj alluded to. [Desk thumping] I promise to do my best to give public service and I am proud to do so, and I thank God and my family for this opportunity.

Now, if I can just touch briefly on the history of this Bill before us—we keep referring to the Act. The Act was passed by both Houses and it was assented to, but it was done so, as I understand it, on a promise, an undertaking by the hon. Attorney General to this side that proposed amendments would be listened to and taken into consideration and context and that has led to this Bill that we are here to debate. This Bill is really an amendment to the 2013 Act, if I may call it that. So that is the condition that is being fulfilled and that is the fulfilment that we are here to do.

Now, in relation to the delays that I have heard—it has been told to me—I have not had the opportunity to independently confirm it. There was a prior Act in place and I will call it the 2000 Act, that is the Dangerous Dogs Act of 2000. The delay for that has been laid squarely at the feet of the PNM. It is a little misleading because it is my understanding and, as a lawyer, I would say my instructions, that the real delay for this lay in the then Opposition, the now Government, who had asked for it to be sent to a joint select committee and they continuously delayed it and delayed it and delayed it and, therefore, its passage never came to pass. So, to lay the blame squarely and solely at the feet of this side is a little misrepresentative.

In looking at this legislation, I would also like to see—it is certainly my understanding and when I sought the instruction—[Interruption]

Sen. George: He is doing very well. Leave him alone!

Sen. S. Young: Thank you, Sen. George. [Interruption] To look up for the cameras. It is certainly my understanding that the position of this side of the Senate is not that we do not support proper legislation and proper dog control. That is certainly not the position and if that is what you have interpreted and what you think is articulated, I think that is being misconstrued.

7.15 p.m.

Our position is that we have heard, as well, the cries of the citizens of the nation, and all of the stories being shared by the hon. Attorney General and the hon. Sen. Devant Maharaj, all fall on our ears as well. You said a short while ago that we do
not take heed and listen to the cries of the victims; that is not true. [Interruption] Sorry, Mr. President. I am being given instructions from all quarters, a little distracting.

**Mr. President:** I heard the Senator say that he is being distracted, because it is his maiden contribution, it is usual that we would listen in silence and not interrupt him. He does not seem to have minded the interruption, but I would ask him to proceed.

**Sen. S. Young:** Thank you very much, Mr. President. I have not had to seek your intervention and your protection as yet and, hopefully, I would not have to. But the position as I was saying on this side is that we will always support legislation, but it must be properly drafted legislation. [Desk thumping] In my going through the legislation there are a number of issues that immediately jump out at anyone who is a seasoned person in interpreting legislation. So, therefore, it is my duty and my privilege to talk about some of them here today.

I want to put on record that it is certainly my understanding that the People’s National Movement supports the proper regulation via legislation of dangerous dogs, and they are certainly not trampling on or not heeding the calls of those unfortunate victims, and we place on record that, like every right-minded human being and citizen, they have our heartfelt sorrow and our sympathy but, however, unlike the other side, we will be responsible in the passage of legislation [Desk thumping] and we will not let legislation pass and mislead via proclamation for there to be defective legislation, much of which we then grapple with in the court system of Trinidad and Tobago.

Having said that, I am the one who has taken the mantle of dealing with the insurance aspect of the legislation which is an important aspect, and I would like at the outset to draw the analogy to this type of insurance, Mr. President. It is analogous to that of what we know as the Motor Vehicle (Third Party) Insurance, because the policy must be behind the insurance for this dangerous dogs Act to protect innocent third parties, and I have not heard it stated by anyone in this honourable Senate otherwise because it must be insurance put in place to protect an innocent third party who comes to harm and, God forbid, loses their life as a result of an attack by what is deemed to be a dangerous dog.

I am not going to get into a debate here as to the definition of dangerous dog, because the truth is when I looked at the various jurisdictions, Mr. President, internationally and worldwide, there is no one standard definition; there is no one standard way of defining a dog. We have realized that here very frontally this
evening in the different debate, and what is being said by the Independent Bench from an expert as to how one should define dangerous dogs. That is not my purpose here, but I would like to start off by looking at the Bill that is before us for debate, if I may, and just quickly—they start off with their new definition—but then what struck me immediately without going too far into the Act was the phrase and the exclusion alluded to earlier by the hon. Sen. Al-Rawi; the exclusion of liability for the State which is found at section 4(8) of the Dog Control Act, this is the original Act, and I would just like to stick a pin there. It is not before us for debate in the Bill, Mr. President, but this use of the term does come up in certain parts that are being alluded to in an amendment now:

“…person in the service of the State.”

That is very vague and far-reaching, and I would like us to pause and just think about it.

Also to take up on a point, and I think it is an important one because part of our duty as attorneys, Mr. President, as you would be aware, is to always give our opinion and not to mislead, and I think this, with the greatest of respect, I share the sentiment and the professional opinion of Sen. Al-Rawi, that the Bill before this Senate is one that requires a three-fifths majority. It does deal, in my humble opinion, with property rights; it also deals with freedom of movement and enjoyment of property. So without harping on it too much, I would just like to caution, if I am permitted, rather presumptuous of me, that this is, indeed, in my opinion, a Bill that requires a three-fifths majority. It does offend those particular provisions of the Constitution.

Before getting to the insurance, there is a proposal to amend the original section 7(5)(a)(iii) which can be found—if you would just permit me a brief moment—at clause 6 of the Bill before us and, in particular, it is the addition of the words to that (iii) “and he has not been convicted…”.

So if I may read the whole provision, these are the requirements that:

“A local authority shall not issue a licence to the owner of a class A dog unless the owner—

(a) presents to the local authority—”

And I am looking, in particular, at (iii):

“(iii) a certificate of good character issued by the Commissioner of Police not less than six months prior to the date of the application;”
And we are now seeking, Mr. President, to add the words:

“…and he has not been convicted of a criminal offence for which the penalty is a term of imprisonment of one year or more.”

Mr. President, when I read that proposed provision, I am not sure I understand where it comes from, but it made me pause for a moment because it cannot be that we are indicating—and I guess Sen. Devant Maharaj, a short while ago in his reference to some article out of the United States and some suggestion that it is people associated in criminal activity are the only people who own these types of dogs that they have referred to as pit bulls, I would beg to differ, and I certainly have not heard the hon. Sen. Singh—\[Interruption\]

Sen. Maharaj: I did not say that. I said there is a correlation.

Sen. S. Young: There is a correlation. Well, I am glad for the clarification because I think it allows me to make the point even more forcefully. I think, Mr. President, it would be wrong of us to hold anyone who has been convicted of an offence for over one year regardless of the serious nature of the crime, to not have the ability to own property even though it may be the property in a dangerous dog when there are other provisions that we are putting forward here—\[Desk thumping\]—other requirements for ownership; breach of the Copyright Act—there are various Acts—breach of the Securities Act; insider trading. So is it that insider trading, a person who is guilty of insider trading should not own a dog? I do not think we should go with as broad a definition as that, respectfully. And then I would like to point out and maybe you would all forgive me for my lack of experience, and this maybe should come at the committee stage, but then when we go on further in the same section and we get down to the deletion of subsections (14) and (15) of course, we will have to point out that the (16) and (17) then become the new (14) and (15).

Now, to jump straight to the insurance provision which is found at the original section 11, and in the Bill before us, it is found at clause 9 and the amendments being suggested at clause 9 of the Bill before us, which are the amendments to section 11 of the Act, I have serious concerns, respectfully, with respect to the insurance that we are putting forward, Mr. President, and the proposals.

I have read the contribution of the hon. Attorney General who spoke about his consultation process, and I would like to pause there and applaud the Government for embarking upon a consultation process because we must always remember that we are here representing the people, and it is not our wills that we must put into legislation, as dictatorial form of, “This is how you must live your life”, so consultation is always a good thing, and they are to be applauded for that.
However I have had serious concerns and they were actually confirmed by hon. Independent Senator Dr. K. Singh here this evening, that what comes back to us from the Government quarters as reports of consultation are, in fact, fraught with inaccuracies as we have seen happened before. There have been complaints that this is not what we said, and I have also heard it here this afternoon in the Senate from the hon. Sen. Dr. K. Singh that they were not allowed a proper and a free consultation process. So do not come here and say you have allowed consultation, you have consulted, but the consultation is really a gathering of people to say, “This is the policy I am forcing down your throat and this is how you will live life under me and my rule and my country.”

[Desk thumping]


Sen. S. Young: Certainly it did not happen under PNM style. So, Mr. Speaker, back to the insurance, I have heard the hon. Attorney General suggest that in consultation with the Association of Trinidad and Tobago Insurance Companies, ATTIC, it is being suggested that the insurance here be tagged on to general household insurance. I have serious concerns with that from the point of view—and I think it may have been alluded to—that there are many households in Trinidad and Tobago, especially those that are tenanted household, Mr. President, where they do not hold this general type of household insurance, and I think we as the legislators cannot have dictated to us necessarily by any industry, what is the type of legislation that should be passed and what is required by us as the legislators.

It is important that we put forward and we mark the record here that the insurance that is being required here is a specific insurance for a person who wants to own a dangerous dog. This is not for every single type of dog or breed of dog in Trinidad and Tobago; it is for a very specific—and still working out the definition of what a dangerous dog is, and you the people who decide to own these types of dog, there is a balancing exercise to be done by us between their rights to own a dangerous dog and the right or obligation to protect other innocent third parties who may be affected by these dogs, and one of the ways to address that is through insurance. It cannot be that we just say, “Well, allow the insurance industry to dictate, tack it on to a general household insurance policy and we will deal with it there.”

Some quick research shows that even in other jurisdictions where they have household policies, insurance policies that may cover the ownership of a dog, Mr. President, there is something known as the one-bit policy that tags on to these insurance policies, and this is something that we need to be cognizant of in this
honourable Senate, that the one-bite policy for these insurance policies is once there is one claim on that insurance policy as a result of the dog bite as it says, they will cancel, “they” being the insurer. They will cancel the policy. And what then happens?

As we all know, once an insurance policy has been cancelled, if the insurance industry is operating at similar levels across the board, it will be very difficult thereafter to get insurance. But my point is this. The first point is that the insurance industry cannot dictate this is where it will be tagged on to. We need to go back to them and consult with them and come up with a scheme—a specific scheme—that is akin to the motor vehicle and third-party type of insurance because it is being developed, Mr. President, to protect innocent third parties.

I then, in looking at it, saw that it seems to have a limit of $250,000. Now, it does say “or such higher sum as the Minister may prescribe”, but as the Act currently stands, all you are required to do is to have an insurance policy for $250,000. That may suffice, Mr. President, and hon. Members, for an injury. But anyone who has practised in the honourable courts in Trinidad and Tobago will know that if a death is involved, it is extremely likely, a probability, I will go so far as to say, that the claim for a death is going to be more than $250,000, and what happens in a situation such like that? Do you then talk about the same victims that my friends on the other side were referring to? Is it that you then tell the victims, well, hard luck! The breadwinner of the family who was only 30 years old and has three children, but has now met a tragic death, “Take $250,000 and stretch that for your three children and the rest of your family for the rest of your lives?”

7.30 p.m.

Certainly as responsible legislators we need to look at this $250,000. I would like to then say, it seems to conflict directly with subsection (4), because subsection (4) which is the provision that dictates what type of insurance policy it should be. It says:

“A policy of insurance shall be a policy which—

(a) is issued by a person who is an insurer; and

(b) insures the owner and any authorised keeper specified in the policy against any liability which may be incurred by him in respect of the death of, or injury to a person…”

And we are now adding “livestock or other animal”.
“caused by a dog in relation to which a policy of insurance under this section, is in force.”

That is respectfully in my view and in my interpretation, Mr. President, in direct conflict with the maximum of the policy or the minimum of the policy at 11(1) above, because of course we are saying here:

“any liability which may be incurred”

Of course the liability here in the legislation tags on to it and has jointly with it, the quantum of the liability. So how can you say the insurance policy must cover any liability when you are dictating what the insurance policy must cover, but above you are saying, from a regulatory point of view, I will give you a licence if your insurance has a minimum of $250,000? That is in direct conflict and we need to deal with that respectfully, Mr. President.

Then the point that was being alluded to earlier by Sen. Al-Rawi, which is found at subsection (5) of section 11, which is the payment to the institution, and I am sorry that the hon. Attorney General is not here because quite frankly—[Interrupt] He is listening. Okay, I am glad to hear that. Quite frankly the explanation that was given by him is not sufficient. I have never heard or seen in any legislation a dictate that the insurer will pay to the institution treating the injured person directly. That just flaws, flaunts and flies in the face of the whole principle of insurance law, which is subrogation.

It should be that the insurance company pays these costs, et cetera, and if we want to legislate that that is then paid on by the insured [Desk thumping] who has received the money to the institution. We are going to have enough difficulty implementing this from an administrative point of view to now go and open up a can of worms and put ourselves in a difficult position where insurance companies are now paying directly to the institution that provides the medical service, and it leads to another flaw in that section, which comes about as a result of the Bill before us where we are adding “livestock or other animal” in the policy of insurance in subsection (4).

In my respectful opinion and view, Mr. President, we have to also add “livestock or other animal” to this subsection (5). So now the institution is not only the West Shore or the Southern Medical, or Medical Associates, or whatever else is the institution, because of course now it should read, respectfully, in subsection (5):
“Where payment is made by an insurer under a policy issued under this Act, or by the owner or keeper of a class A dog in respect of the death of, or injury to a person…”

If we are following the amendment that we are making to (4) above, we must now add after person:

“livestock or other animal”

And it does not make sense, because as Sen. Devant Maharaj just related to us from an article he was reading, a dog in, I believe it was a kennel, ran amok and injured a cat in a kennel, et cetera. So other people’s animals or livestock, as we heard from Sen. Singh earlier, are also going to be affected and they too will go to institutions, a veterinary institution, if they have not died. [Desk thumping]

So, with the greatest of respect, I think we need to relook the insurance provisions, and I will get now to who is required to have this insurance coverage, Mr. President, which really comes down to—if we go a bit further on in the Act and in the Bill as to what is being proposed, and it is clause 19 of the Bill before us, which is an amendment to section 24 of the Act, and this is now where we are talking about the obligations on the veterinary surgeons. And we are saying that the:

“…veterinary surgeon”—who—“keeps a class A dog in a professional capacity for the purposes of—

(a) administering medical treatment to the dog; or

(b) compliance with this Act,…

…is not required to hold a licence in accordance with this Act.”

Mr. President, as a policy decision, I do not think we should have a problem with that, but we cannot exempt, in my respectful opinion, the veterinary surgeon and the owner of an establishment for the reception of stray dogs that keeps a class A dog from the requirement to have the same insurance policy and coverage. What would be the reasoning behind that? Because of course when these dangerous dogs are in the care, custody, control of the veterinary surgeons or the owners of establishments for the reception of stray dogs, they remain equally dangerous and they are now in a position where they are around other animals, other people, and we should require the veterinary surgeons and the owners of those establishments to carry a similar insurance product, with the greatest of respect, because damage can occur. The dangerous dogs can escape from the veterinary surgeon’s place of
business, or from the establishment for the reception of stray dogs. So as a Senate, I think it is important for us and incumbent upon us to add to the proposed amendments that these two establishments also would be required to carry similar insurance products.

Another proposal being made by this Act, which is really the defence or exclusion provisions which are found at, I think it is section 20 of the Act, and it is clause 16 of the Bill before us where we are saying:

“Section 20 of the Act is amended by repealing subsection (2) and substituting the following subsection:”

Section 20 of the Act is “Inciting a dog to attack a person.

A person who, without reasonable cause, incites a dog to attack another person causing grievous bodily harm or resulting in death, commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for two years.”

We are now proposing a new subsection (2):

“It shall be a defence for a person charged with an offence under this section to establish that—

(a) the other person was committing a criminal offence against the person charged;”

Understandable from a policy point of view and acceptable, but then I get confused at (b) and (c).

It is a defence to the person who is being charged with the offence, Mr. President, to say that:

“the other person was committing a criminal offence against the spouse, the child”—and by the spouse I assume they will also include the normal cohabitants and those under the relevant legislation—“the child or any other person under the care and control of the person charged;”

I could not, for the life of me, Mr. President, with the greatest of respect to the draftsperson, understand why the use of the definition, “any other person under the care of the person charged”.

So, Mr. President, if I invited the hon. Sen. Gary Griffith to my home and we were sharing a drink and a conversation—a drink of water of course, it would be nothing else—and a dangerous dog attacked and I dealt with that, but Sen. The
Hon. Gary Griffith who has his many men of business around him protecting him, so he is not under my care or my charge, is it that in my defence of him I cannot rely on this defence? That is how it reads, because anybody who is not under my care I have no defence in protecting them.

So, Mr. President, we also need to address that. It does not make any logical sense. It is too narrow. There are instances where the legislation is too vague and too broad. I will go back to that, but this I had to pinpoint because it does not make sense to use the language “under the care of the person charged”, because that just excludes, in my humble opinion, a whole category of legitimate people that the person who is affected may be in the company of.

To take the next point, which was the broadness of the legislation, which I felt was illogical as well. Forgive me, Mr. President. I will return to that, but back to the insurance, which is found at section 13 now. This also jumped out at me. Section 13 of the original Act, section 13(3), this is now dealing with the joinder of insurance companies as a co-defendant. Section 13(3) states:

“Where the insurer is joined as a co-defendant or is required to make a payment to any person entitled under section 11(4)…”

Which was the section, Mr. President, you would recall I was referring to a short while ago. Section 11(4) is the one that dictates what a policy of insurance should be.

“he shall be liable to satisfy…”

And we are now adding, subject to subsection (2):

“he shall be liable subject to subsection (2) to satisfy the judgment that may be obtained against the insured…”

Again, with the greatest of respect, Mr. President, this is inconsistent with what we are saying at section 11(1), where we are trying to say the minimum is $250,000. How can we be saying that the insurer is liable to satisfy the judgment that may be obtained? If it is a death of someone and that judgment is for anything over $250,000, that falls under the judgment that is obtained against the insured and we are telling the insurer, you are liable for that, automatically. That is a strict liability provision, and it just simply does not marry with what we are saying exists at section 11(1).

So, Mr. President, these are just some of the immediate and unworkable flaws in the current legislation. So it is incorrect and wholly misleading to say that we do not support a Dog Control Act or a Dangerous Dogs Act, or the Bill before this honourable Senate, because that is simply not true. We are here equally as the
Government to protect the citizenry of Trinidad and Tobago, and we are all in favour of passing legislation to protect innocent third parties from any harm or damage done by dangerous dogs, but we must do so responsibly and we must always remember.

I am the youngest, not in age necessarily, but the youngest Member of this honourable Senate, blessed and provided with the opportunity and the privilege of passing legislation that then governs this great twin-island State of ours, and that carries with it, in my respectful view, Mr. President, a huge responsibility. It is a responsibility not to rush legislation that turns out subsequently when I am standing up in court, to be legislation fraught with difficulty and unworkable legislation, and legislation that we suffer in interpreting.

So having said that, as a responsible Senate, I would like to make a plea and a request that we look carefully at the legislation. I am not saying that we should delay it, because I agree that it is high time we have legislation to protect our citizenry from dangerous dogs. We have heard replete the number of articles of persons harmed, some persons unfortunately killed by these dangerous dogs, but we must do so responsibly. And certainly, me as a person, sitting here and reading the proposed legislation, I see that there are many difficulties, unworkable difficulties in its current form, and as a result of that, it is my plea to this Senate and to the hon. Members for us to stop, pause, look at it carefully, and not rush a piece of legislation through for political accolades, because when it comes to the usefulness of the legislation, it would be met with a halt in the High Court and an unworkability that we will really have defeated what I understand to be the whole purpose of the legislation.

7.45 p.m.

Having said that, if anyone does a semblance of research on similar legislation in other jurisdictions, we are not reinventing the wheel here. This is not the first time this has happened. This has happened in almost every jurisdiction that has put forward legislation. Use the United Kingdom as a prime example; their Act is a 1991 Act, and it is replete with debate thereafter. They said the circumstances that the Act came into play are similar to ours. Throughout the country, the United Kingdom, the various entities that make up the United Kingdom, there was an upsurge in attacks by dangerous dogs; so the legislators rushed legislation that has proved unworkable, has proved to be fraught with difficulty, and they are now trying to fix that, and stepping back.
We have had a lot of debate about how to define the dogs and what different jurisdictions have done, and it reminds me of a point that was given to me by Sen. Al-Rawi a short while ago. Another problem is when the original Act was passed in 2000, due to the delay which was forced by sending it to the Joint Select Committee, the legislation moved. So if anyone does a historical recount of how other jurisdictions have dealt with similar legislation, it has moved. You have seen a different ideology. And my friends on this side, I believe Sen. Singh will get into that, as to how you deal with the legislation.

On the face of what is before us, there are many errors, and it would be irresponsible of us to force this through in haste, because when it comes to the living through of the legislation, we will be unable to do so and we will have done the public of Trinidad and Tobago no good. Certainly in good conscience, and this being my first and maybe only opportunity, I certainly am not prepared to advocate that position. [Crosstalk and laughter] That will not happen.

**Sen. Maharaj:** You sound alike.

**Sen. S. Young:** That is what sensibleness sounds like. [Desk thumping and laughter]

I heard it said, and I cannot let it go, because it has been a pet bother of mine—I heard from the other side a short while ago, about what went on for 10 years: I have only had four years and the sums of money spent. I am told that in the 10-year period, this side spent $271 billion compared to a four-year period of $300 billion. A question I have asked before I stood here today is: Where has that $300 billion gone? There is no skyline; there is nothing to show for it.

**Sen. Maharaj:** “Fixing PNM errors.”

**Sen. S. Young:** That is fixing PNM errors, and I hope that you all have dedicated sufficient of those funds to the hon. Sen. Marlene Coudray for her to implement, when we finally get there, this important piece of legislation.

Mr. President, I am not one who likes to waste words. I like to think of myself as very surgical. So having said that, I have been on my feet for long enough, and I am not going to go over my limit, nor would anyone need to rise to ask for an extension. I would like to thank all of the Members of the honourable Senate and, first and foremost, Mr. President, for this opportunity and I hope that I have made some sort of contribution to the Senate here today. Thank you very much. [Desk thumping]

**Hon. Senators:** Well said!
Mr. President: Hon. Senators, before we proceed to the next speaker in line, I would like to offer my congratulations to Sen. Young on his maiden contribution here this evening. [Desk thumping]

Sen. Subhas Ramkhelawan: Thank you, Mr. President, for giving me the opportunity to join in this debate on the Dog Control (Ammdt.) Bill, 2014.

“Haste” is a word that has come around in this Senate quite a few times in our discussions today. I do not consider haste to mean 14 years of deliberations on a particular Bill or Act. In fact, I think we are dragging our feet as a Senate in trying to deliver matters that are of utmost importance to our citizenry. [Laughter] Who are our stakeholders in this matter and what is the effect upon our stakeholders, or our primary stakeholders, in this matter of dangerous dogs?

I think the annals of our history since the turn of the century, shows a very sordid picture of death and dismemberment to our citizenry, on account of not having the requisite controls for dangerous dogs. We have talked about it. We have talked about it, and we have not gotten to a point where we as legislators have put something on the table that is in fact capable of enforcement.

This is something that we have to address as a Parliament. Are we doing our work efficiently and effectively in resolving issues that come before our citizens? And they look at us and say, “Parliament is frozen. Parliament is unable to put in place legislation which if it needs to be corrected will have to be done on a phased basis.” But to have nothing in place, after such a long time, is really an indictment of the Parliament, of which this Senate is a part. [Desk thumping]

If we are looking for a perfect piece of legislation, I have news for you: there is no such thing. [Desk thumping] If we are working for a workable piece of legislation, we have to come back to the core issues that face us in this matter of the dangerous dogs legislation.

We have been, in fact, skirting around the issue. And what is the issue? The issue is that there are dogs out there that are killing people, [Desk thumping] and we have been dancing around and moseying around, trying to work around the problem, rather than taking the problem straight to the throat. [Desk thumping] The problem is we need to get rid of these dogs from the streets, from the villages, from wherever they are. [Desk thumping] While we are trying to deal with this problem, we encounter other problems, because who are the stakeholders now?
Is it that the majority must continue to suffer—the rights of the majority must continue to suffer because of the privileges that we wish to accord to the minority? [Desk thumping] The answer is that is exactly what we are pussyfooting about in this Senate. [Desk thumping] We are dancing around insurance; we are dancing around registration; we are dancing around the capacity of our municipal corporations to handle the matter of dangerous dogs. [Desk thumping]

**Sen. George:** That is right!

**Sen. S. Ramkhelawan:** And while we dance—I should say, while we fiddle—throats are being grabbed at, people are dying.

**Hon. Senator:** That is right!

**Sen. S. Ramkhelawan:** And when you go out there and you ask them: Do you know what is the content of the Bill and do you know how the Bill is shaped and do you know how the Bill is orchestrated? Those are niceties. [Desk thumping]

**Sen. George:** Yes man!

**Sen. S. Ramkhelawan:** They are niceties that the ordinary citizen can ill afford. The ordinary citizen has put us here to solve problems, and if we are not going to solve problems we are useless to the citizens. I ask the question: Who are our stakeholders? What is it that we are trying to achieve?

Our stakeholders are not in the majority for the benefit of veterinary surgeons. [Desk thumping] I say that without apology. Our stakeholders are not for the benefit of the insurers. Our argument should not be whether we have four people in Tunapuna or 50 people in Tunapuna. Our work is to pass legislation that protects the majority of our citizens, [Desk thumping] and if we get that right, all parts of this challenge, this difficulty, all those parts would fall out and simply melt into oblivion.

The Attorney General dances in consultation. How do we satisfy this minority, while we ask our majority to wait? So when they stand out there and you ask them, as my friend and colleague, Sen. Al-Rawi has done: “You know what in de Bill?” They know that my “nennen”, my cousin, my son, my daughter, was mauled. They know that there is no recovery for my son, my daughter, my “nennen”, my father, because of the extent of adverse impact, the extent of injury or death that has been caused. They know that they have put us here to resolve that problem, and they know that we are not doing it for 14 long years.
I put it to this honourable Senate that the matter would be resolved very quickly if we dealt with dangerous dogs and removed them from the streets and villages of this country. [Desk thumping] We would not have to solve insurance. We would not have to solve registration. We would not have to solve capacity constraints in the municipal corporations and so forth, and enlightened jurisdictions have actually done that. Is it that we are not an enlightened jurisdiction?

If we understand as a nation that we do not have certain capacities for enforcement with regard to managing a small group of dogs in this country, then the answer is doing away with that small group of dogs. That is the best protection for our citizens. It is indeed the protection.

So lawyers will argue. They will argue about every clause in the legislation, which they must do, [Laughter] and which they should do, but we are going to get to a stage where we are working towards the operation being successful and the patient died. We are going to work to a stage where we spend so much time on minutiae, where we perfect or seek to perfect every single clause, but yet still our people are dying on the streets because we cannot handle and deal with this matter of dangerous dogs.

So if there is one thing I want to say to my colleagues in this Senate: let us stop skirting the issue. Let us bring to the core that if we cannot find an elegant solution to all of these peripheral matters, let us deal with the core problem, and the core problem is to get rid or have effective control of dangerous dogs. Barring our ability to have effective control of dangerous dogs, let us get rid of them.

It has happened in other jurisdictions, as we have heard here from the hon. Attorney General. We have heard it from our friend, Sen. Al-Rawi. We have heard it all across the board, but we are playing.

So this is my plea to my colleagues: if we go back to the amendment, a further amendment of this legislation, go back to solving the core problem, getting rid of the dogs. I will prefer to err on the side of the protection of the citizen, rather than the rights of the pit bull. I would prefer to satisfy the rights of the many, rather than the privileges of the few in regard to this matter.

8.00 p.m.

I want to just make a couple more points with regard to this matter of enforcement, and they have been very well articulated whether from the point of view of the weight and condition of the dog, or whether from the point of view of the weaknesses in the various corporations, or whether from the point of view of insurance or registration.
But, let me paint a little picture for you, Mr. President, and my colleague, Sen. The Hon. Devant Maharaj. He spoke to the syndrome, and I call it the bad-man, bad-dog syndrome, where he would have raised the point that there is a relationship between the persona of the owner and the nature of the dog. Bad-man, bad-dog syndrome is a syndrome which I put to you, Mr. President, will rear its ugly head over time with the passage of this piece of legislation as it is. It comes back to enforcement.

The bad-man is not going to take out insurance. He goes on the principle, let them catch me. He is not going to take out insurance. He is probably not even going to register because he is very well aware that enforcement is weak. It is like, we passed legislation for the use of mobile phones, or should I say the non-use of mobile phones when you are driving. You drive around and ask yourself, “do we really have this piece of legislation? I see policemen driving around in their cars using their mobile phones; it seems that they are—[Interruption]

Sen. Ramlogan SC: The law is not for them.

Sen. S. Ramkhelawan:—exempt and I hope the policemen here do not do that. They put down their glass and they are driving down the road, but I see other citizens continuing to do that very thing. Why? Because they do not feel that they would be caught, and if you are a bad man, even more so, you are never going to be caught. How are you going to be caught?

So, the question is, do we—and I agree with my colleagues—want to put law in here that we cannot enforce, or do we want to create legislation that will solve problems, that provides a solution? And I come back to the point that in order to find that solution, we may need to swing to the side of removing bad dogs, than trying to create an environment where we can effectively manage them. Our society is not sufficiently well formed up at this time; it is not a sufficiently mature society in terms of adherence to these rules, regulations and this piece of legislation.

So, we will be swinging back and forth, back and forth and in the meantime our citizens are dying, and they will continue to die. And, if even we put this legislation after consultation, I put it to you that the enforcement will not be there. And I would like to congratulate the Government on its move to consultation, as other Senators have done from the various Benches. I want to congratulate them on spending the time to reach out to listen to the various interest groups, but I want to say to them that interest groups are exactly that—interest groups look after their own interest. They are trying to ensure that their best interest is served,
but the role of Government is to ensure that the interests of our citizens are best balanced. And when you start to listen to interest groups without spending time on balancing the issues, you lose focus. You continue to lose focus and you lose time and you lose lives. That is the moral of the story.

So, that the bad man is not going to do it. There will be a few citizens who will do it, but I expect in the majority—I see Sen. Ganga Singh, he may have learned this word in some other place, but the point is that this is the nature of our citizenry. The fella who has his pants half down, walking with his wife beater white shirt, walking around with his dog; he is not really prepared at this time; he is not sufficiently matured, but he wants a dog because it is an appendage to his persona. [Interruption] And that is the syndrome. So, we can choose to continue along this line merrily, probably fooling ourselves more than our citizenry, or we can choose to work towards a solution and find a solution in the legislation.

So, I want to congratulate Sen. Young for making the various points with regard to insurance so I need not repeat them. The point about insurance is that I do not think we would get to a situation that would be satisfactory in terms of creating insurance for these dangerous dog situations. Solution: get rid of the dangerous dog, do not try to find insurance to cover the dangerous dog. That is the solution. Walk around it, dance under it, walk across it, consult with everybody, get nothing done.

I want to just turn to one other point, because I do not think I need to go through the various elements of the Bill. But I am concerned that this Bill—as two other Senators have raised—the various clauses in this Bill may require, if taken in its current form, a special majority because it infringes on property rights and because it truncates the freedom of the person as set out in our Constitution, and before I vote on this Bill I would like an undertaking from the hon. Attorney General, on the record of the Hansard that the Bill does not, in fact, require a special majority. Because I would feel comforted with his opinion on record that that is in fact so.

So, I end my contribution, saying that I am prepared to support a piece of legislation that protects the right of the majority of our citizens rather than the privileges of the few. In other words, loosely translated, you give me a piece of legislation that is consonant with other legislation in advanced jurisdiction where you remove entirely dangerous dogs, whether it is the pit bull terrier, whether it is the American bully, whether it is all of those listed class A dogs in the Schedule. And once you do that, you find you have the makings of a solution which will not satisfy all of our citizenry but, I put it to you, will satisfy the majority of our citizenry—those that are most at risk and those that we wish to protect.
We have had a conversation here about what is a class A dog and what is a class B dog, and whether class B dogs could be deemed to be as dangerous in some cases as a class A dog. Well, part of the solution is, if you remove class A dogs and you have class B dogs that present some form of danger, they will also be able to present some form of protection to citizens who need that protection in their premises, in their yards and so on. Whether it be Rottweilers—of which I have three—and they seem to be reasonably good protection in terms of their good sense in a yard and they look a bit ferocious; they might not have the jaw power of a pit bull, but you see them in a yard, all black at night and they do present a good feeling of security for you.

**Hon. Senator:** A deterrent.

**Sen. S. Ramkhelawan:** Yes, something of a deterrent. [Interruption] They have a bit of brown in addition to the black.

So, I do not want to detain you much more, Mr. President. As I said, these are the two points I want to make. Let us get enforcement on the road; let us remove dangerous dogs; let us be consistent with enlightened jurisdiction and let us stop pussyfooting with regard to the protection of our citizenry who are walking on the streets, walking in the villages, walking on the roads; coming from work, going to work and have to suffer the fear of danger of these pit bulls. Solution: simple solution, let us get the legislation to align with the solution.

Secondly, I repeat, the question of the special majority needs to be clarified for us by the hon. Attorney General.

With these few words, I thank you, Mr. President. [Desk thumping]

**Sen. Avinash Singh:** Thank you, Mr. President, as I rise today to contribute on the Dog Control (Amdt.) Bill, 2014.

Mr. President, this topic has attracted widespread participation, comments and views by the general public, which I hope are not falling on deaf ears. The primary intention of these amendments as indicated by the hon. Attorney General, is really for the protection, the safety, well-being of the population. While understanding that need, Mr. President, and respecting the intervention, in my opinion, these amendments are simply not enough and they would not work to prevent continuous injury and death of innocent citizens in society. It is what we on this side call bad law in the waiting. [Desk thumping]

I say this in the backdrop of the many deficiencies as expressed in the quality of the content and I will try my best to present a few arguments in this august Chamber in that light that are taking place in the current situation in our society.
Mr. President, the Dog Control Act, 2013 reads and permit me to read:

“An Act to provide for the control of dogs and to regulate the manner in which certain breeds of dogs are kept by their owners or keepers; to repeal the Dangerous Dog Act, 2000 and for related matters”

Mr. President, the first inconsistency in my opinion is the very use of the word “and” in relation to the general purport of this Bill, because it is clear that the legislation seeks to control the ownership and regulation of only class A dogs and, not necessarily, all dogs in the country. So, according to what the hon. Attorney General is proposing, if a class B, as we know it, injures or kills a human or animal, the owner will be able to walk away scot free on the first offence. How can this ever be right?

Mr. President, all dogs are ancestors of wolves as indicated by previous Senators here in this august Chamber, and with Charles Darwin theory of natural selection over time, evolution contributed to the domesticated animal, but bear in mind that all these genetic material is not lost and there is always the fight and ability to survive by any organism. We call it survival of the fittest, which ensures continuity of the species. It is very applicable to dogs, Mr. President, because even at birth and at the few days of that dog’s life there is competition by the pups for resources. The mother’s milk, there is competition for that, and during the development stages you always identify with the weak and vulnerable member of a litter, who, in most cases eventually is short lived.

I do not intend to school hon. Members about biology and genetics, but simply bear what I have just said in context, any dog can become dangerous and have different traits whether phenotypic or genotypic attributes and manifestations which lead me to my next argument.

Mr. President, what really is a class A dog? The Bill has a definition and I will not go into it, but this definition is going to cause massive mayhem, confusion, problems and laws that are useless if implemented; more bad laws under the seal of this People’s Partnership Government. [Interruption]

8.15 p.m.

Suffice it to say that when you look at all over the world, most countries, I should say, where breed-specific legislation is being used, it has been proven unworkable, difficult to administer and costly to maintain, and it is also public knowledge that this incident occurs. So why even bother to try to use these rejected, failed laws in our system where we have many problems festering.
It is also public knowledge that the Trinidad and Tobago Veterinary Association has indicated that they will not be supporting this approach by the Government. Mr. President, bear in mind that this association composes most of the professionals required to enforce various aspects of this very law, and we have many statements on their position pertaining to this matter as expounded previously by my colleague, Dr. Singh, Independent Senator.

The TTVA has made it clear that there is a lack of data and guidelines for certifying dogs that are crossed or of mixed breeds, and I dare say that I do not think there is any professional vet in this country that would risk their profession, of being fined or penalized by certifying dogs that they are not sure about. [Desk thumping] When I say dogs that they are not sure about, it is a realistic problem that exists, since there are no laws regulating the breeding of these dogs. People are allowed to breed dogs any way they see it fit throughout this country, and most times all people know is that the dog that they have is either a pit bull or not, and—[Interrupt]

Sen. Dr. Singh: Just to add one thing to clarify something that was said. The TTVA's view is not that they cannot distinguish a pit bull, which is what was hinted to by the Attorney General, that the vets are saying they cannot do it. What the TTVA is saying is that they will not do it because in a court of law they will be held responsible for this action, and if there is any discrepancy between what is written as a standard and what they suggest is a pit bull, they would be held liable. So they do not want any ambiguity in what the breed is. Thank you.

Sen. A. Singh: Thank you very much, hon. Senator, for that clarification. It really drives the point that I was coming to, hon. Senator, because most times people know dogs, and I dare say that even I myself would have not been in an opportunity to differentiate whether a pit bull is really a pit bull or not, simply by its looks. I assume this is why the hon. Attorney General is proposing the use of breed classification by certain attributes, mainly the physical characteristics because of the research that was done by him, depicting legislation by other countries. But my opinion is that maybe, as also expressed by the hon. Sen. Singh, that maybe to classify these dogs, we can use both DNA and genetic methods and physical attributes by the weight and body conditions, as alluded earlier.

Let me strengthen my point on the genotypic and phenotypic relationships by animals and what happens, and permit me to refer to an article that surfaced internationally just recently in the public domain, and this article, Mr. President, is entitled: “Man sues ex-wife over ugly children”, and typically, strangely enough, Mr. President, he actually won the case.
But the article is really a clear case of, do not judge a book by its cover, and in this case, we cannot judge a dog by just its looks. This case, Mr. President, had me laughing, and it even had the picture of the ex-wife as she is now known. It was a very strange case that the man sued the wife because he claimed that the children were not his and something went wrong and so on. But this is, in fact—

[Interruption]

Hon. Senator: It was in China.

Hon. Senator: Why it must be China?

Sen. A. Singh: It was, in fact, in China, but the woman took the plastic surgery and so on, in South Korea and that surgery cost $100,000. But this is to prove the point that the phenotypic attributes of this woman alerted this man and he married her because he said he fell in love with her beauty and so on, but really and truly, when the genes started to be expressed, it was something different, [Laughter] as in the case of his children. This is very unfortunate and very strange. But let us move on.

Hon. Senator: But he sued.

Sen. A. Singh: And he won. He sued and he won. He won $120,000 and it was explained as a bizarre case. In this case they would have used DNA tests and so on to prove that the children were actually his and they were actually his, just that the woman had some aesthetics in terms of her decor and additional decoration to her face and so on.

Mr. President, the hon. Attorney General boasted about having many consultations, which we applaud, but that leaves me to wonder who they consulted with and if they really took the advice given; the well-articulated, highly qualified animal behaviourist and welfarist, Miss Kristel-Marie Ramnath who needs to be praised and applauded for her wealth of knowledge and experience in matters relating to this Bill, she has also taken the time to furnish many of us with quality recommendations and education on what we are debating here today. So, in my view, she deserves that recognition. Approaching this Bill with a well-balanced sober position, Miss Ramnath has also expressed her concerns on the many deficiencies and unworkable nature of these amendments, and she even sent her recommendations in the form of letters to the hon. Attorney General. So it really bears us here in this honourable House to wonder if really the experts’ advice was really even considered or taken into consideration.
So my question: if the local veterinary surgeons are not willing to participate in identifying breeds of dogs, who will? Will professionals from the International Cynologic Federation or the United Kennel Club or the Canadian Kennel Club, or even the American Kennel Club, or perhaps the local authority, the personnel at the local authority, are these people or are these officials, professionals in their own right, be the ones to guide this Government in terms of the identification of the breeds, Mr. President?

The Bill is also seeking to give additional functions to local authorities which, in my opinion, is also unfounded, taking into consideration the resources of the local authorities. Are we really depending and relying on the local authorities to assist in this enforcement?

Let us look at the position of the local authority. Currently, as the law stands, when you see a stray dog roaming the streets of this country and you call the number of a local authority, as also indicated by Sen. Dr. Singh, they either do not answer or they have excuses: they have no vehicles; the dog catcher did not come out today; the dog net is not functional and so on. In fact, some local authorities are not fixing manholes and pavements and you want them to really go and catch dogs?

In enforcing section 8 of the Act by giving the responsibility to the Ministry of Local Government, for public knowledge I am very curious about any public official that is willing. I do not think any public official will be willing to go to any owner or keeper’s premises to take possession of a class A dog, where the owner or keeper is unable to fulfil the requirements of this Act. Mr. President, this is a very serious matter, and I dare say that the Government has no respect for the safety of public officials because I do not know if robots will be used to detain these dogs. Maybe—I recommend dart guns or tranquillizers being used because the point is, which employee in the local authority has the required training and skill to go to the territory of a dangerous dog? Whether or not they are trained, they will be risking their own life to capture a possible predator.

And if even captured, Mr. President, the animal still needs to be transported to a facility which must meet minimal international animal rights requirements. So the conditions—and the question, really is, which local authority in this country has the resources for the effective and efficient enforcement of this law? My view is that we need to have these resources, as also indicated by newly appointed Sen. Young, that resources must be made available to the hon. Minister of Local Government because currently, as it stands, there are many deficiencies in these systems that will allow [sic] effective control of this matter.
Mr. President, transportation vehicles, holding cells, the ability to feed and sustain the care of the animal for that period of time, and lastly the mechanisms to destroy the animal, having met the required time frame to keep the animal or, carry it to, or if not, recommend that it be housed or find another home.

In my area I witnessed some apprehension. I live not too far from the cremation site in my area and I am there many times and I see the dog catcher’s van of the Chaguanas Borough Corporation coming, and strange enough, those stray dogs and stray cats have that ability, and they are so sensitive and smart—

[Interruption]

Hon. Senator: “Dey dus it.”

Sen. A. Singh:—they actually swim across the river before the van reaches, so the dog catchers do not even get to catch them. And these are not the dangerous dogs I am talking about. I am talking about the “pot-hounds”, the little poodles. The point here, Mr. President, is the manner in which, when the dog catchers come and they apprehend these animals, they will throw a net like if they were throwing a basketball or a baseball; “doh” have any respect or accommodation for that animal; no rights whatsoever. Pick up that net like a bag of sweet potatoes. That is how I would pick up a bag of sweet potatoes and just fling it inside the holding cell or the little trailer that is being towed.

But the point is that these individuals currently existing in the local government authority have absolutely no training and no respect for the animals that they have been hired to pick up in the form of stray animals, stray dogs, stray cats and so on. So, Mr. President, I trust that you understand the inconsistency and deficiencies in dealing with situations like these currently faced in many local government authorities.

Sen. Ramlogan SC: “Ah like de tranquillizer idea. Dat is a good idea.”

8.30 p.m.

Sen. A. Singh: We are simply not prepared and these amendments are unrealistic, Mr. President.

Moving on to section 5, Mr. President, while I understand the intention of dangerous dogs inflicting fear on the public, especially in public places, I also understand the need for animals to be able to express themselves in the form of exercise, play as Minister Devant Maharaj would have indicated, bonding time and so on, with their owners and keepers, hence my concern as it relates to this section.
This Bill did not take into consideration the socializing aspect of dogs and animals and so on, with respect to owners and so on. It was really articulated and explained in-depth by the honourable expert, who we have the privilege to have here in this Chamber today, hon. Sen. Dr. Singh in the profession of his—[Desk thumping] and I would say not quack, but very experienced, very versatile, straight to the point—hon. Sen. Dr. Singh. We could not have the first-hand experience and information, the intellect from a professional that deals with this matter, that being a veterinarian surgeon.

Mr. President, we must understand the need for care because the Bill has that word in it, somewhere into it fits in, in section 5A, the responsibility of care for the dogs, but nowhere in that Bill—[ Interruption ]


Sen. A. Singh: Not only an offence was even alluded to—did the Bill seek to clarify what is care, Mr. President. I would turn your attention to some of the definitions or some of the recommendations also made by Kristel-Marie-Ramnath in her contributions which would have appeared in the newspapers and even in the letters that were addressed to the hon. Attorney General, and permit me to just identify five of the responsibilities for animals.

The five freedoms for any animal should be what are defined as the responsibility of care for dogs and those are and I quote:

1. Freedom from hunger and thirst by ready access to fresh water and a balanced diet to maintain health and vigour;

2. Freedom from discomfort by providing an appropriate environment including shelter and a comfortable resting area. Your home should also be securely fenced to avoid your animal running outside, in which case he or she may end up lost or involved in an accident.

Let me pause here by accident, Mr. President. Whether it be dangerous dogs or not dangerous dogs, class A or class B, in the nation’s roads every single day you would pass and you would always see the wreckage and carnage of a dog, and might I add that it was under the People’s National Movement that we implemented the programme for this eyesore to be picked up from the road, and this is in the eyes of our public appearance. I have been to a few countries and I have not seen—only in Guyana I saw dogs lying dead all over the streets, but I have been to many countries and certainly the eyesore, it is very disgusting to see animals in that form. Similarly, it is also disgusting to see other types of animals in that form because not only dogs cross roads and so on and get knocked down. Cats do it, even some wild animals do it.
Moving on to care number three, Mr. President:

3. Freedom from pain, injury or disease by prevention or rapid diagnosis and treatment. This involves vaccination and deworming your puppy according to the recommendations of your veterinarian, as well as regular check ups.

Mr. President, we must understand what we are dealing with here. These are animals that are very sensitive as I have mentioned earlier, and I was even fortunate because I must also declare I have four dogs; I am also a dog lover. When attending to my dogs—and this one particular time I carried this dog to the veterinarian clinic, and the vet was kind enough to show me a kidney stone that he took out from a dog, the size of a wind ball, Mr. President. He even explained that some of these dogs expressed heart attacks, heat stress, arthritis, and perhaps the hon. Sen. Dr. Singh would agree with me that most of these animals have feelings just like us. Yes, we must take that into consideration and give them the attention and respect that they deserve.

So, Mr. President, care number five in the recommendations here is freedom from fear and distress by ensuring conditions and treatments which avoid mental suffering and so on.

Mr. President, these are some of the recommendations which, apparently, have been falling on deaf ears by the Attorney General because nowhere in the Bill, as I said, any of these are sought to be addressed. With that being said, there are no penalties if an owner ill-treats that animal of the sort, even in neglect forms and where the problem of neglect arises and let me just draw your attention to an article which has already been mentioned. So, just to briefly read one or two lines. It appeared in the Newsday, page 10, February 13, 2014, and the article is entitled, “Expect more ‘dangerous dogs’ to be abandoned”, and this goes hand in hand with section 15(1), dealing with abandonment of dogs. I will just read one paragraph:

“Following the presentation of the Dog Control Bill in 2012 and the passage of the Act in 2013 the TTSPCA has been inundated with calls regarding the relinquishment of owned pit bulls and reports of abandoned and stray pit bulls. In 2013, 129 pit bulls were given up to the north Shelter and the Society rescued a further 28 from the streets. The Animals Welfare Network (AWN) was involved in the rescue of a further 76 roaming/abandoned put bulls.”

Mr. President I believe in today’s papers, also as indicated by Sen. Devant Maharaj, that another pit bull was seen roaming around today as well. So, this re-emphasizes the fact that people in the public domain really need to understand what this Bill seeks to do. And, as indicated by Sen. Faris Al-Rawi, that when he was coming up to the Chamber today, he was bombarded by individuals protesting, who did not really understand the Bill.
Yesterday, I was listening to a prominent talk show radio programme and they were actually dealing with some of these issues that we are debating here today that is in the dog Bill. Calls were being entertained and people’s views were being shared and opinions and comments and so on, but it just goes to show that the Government really did not take into consideration educating the population of what this Bill seeks to do and what it is that we are trying to accomplish from this Bill because many people in society have no clue about this, and once they hear insurance, or licence, or penalties, they would go and release their dogs and so on. I also join with the Attorney General and saying that maybe it is really because they are irresponsible owners, but it can also be the fact that—Sen. Dr. Singh brought it up—there are no incentives on this Bill to really accommodate the willing support of John Public to bring in those dogs and have some sort of control in terms of the public domain.

Mr. President, I turn to section 14 of the Act and I read:

“(5) Where a class A dog enters onto private premises, the owner or occupier of these premises may destroy the dog.”

Mr. President, previous clauses have indicated the manner in which dogs were to be destroyed, and that is to cause minimal harm in the most humane way and so on. But this section 14 does not really indicate that, and I take it to mean that any right-thinking citizen would know it is defence in your own property if an intruder—and in this case the dog would have been a trespasser—comes in, how are you going to deal with that matter? And to secure the life and the safety of your loved ones, you would try to destroy that dog. It may not be the most humane manner, but the question is how?

This leads me to the point and Senators prior to me speaking would have mentioned this before. In fact, hon. Sen. Devant Maharaj mentioned his personal experience in Arima, and he quoted the incident where the dog went into someone’s property and so on and bit the person and subsequently the person died and so on, or if not the dog died.

Hon. Senator: “Nah”, the person died.

Sen. A. Singh: The person died? The fact is when you have dangerous dogs in your yard—and yes, we recognize many individuals in society choosing that approach for general security. Apart from sport, recreation and so on, many people choose having these types of dogs for security, and with the current crime situation I really see the need for many people to go in that direction and have these dogs.
Mr. President, in recent articles where the protective services would have had to be called in to deal with some of these cases—and as indicated by Sen. Devant Maharaj, in one particular case the dog had to be shot six times for it to stop attacking the person and for the protective services to have some sort of control. So, some of these dogs are really hard to kill and if they were to enter your private premises, Mr. President, are we going to see an increase in, let us say, firearm licences because as indicated here six shots and the dog is still alive? So, it comes back to what about the individuals in society now, having that recourse and trying to get that level of safety for themselves. So maybe we can see an increase, I should say, in the granting of firearms and so on, and with that, you know, there are already so many backed up cases and perhaps the Minister of National Security could identify those cases, but the point is these animals are very hard to kill. I do not think if you hit a dog with a dry coconut and so on, or a pot spoon the dog might even budge as a matter of fact. So, it is a cause for people to go out there and apply for a firearm licence and so on.

Mr. President, moving on. Section 15(1), where it states that:

“An owner or keeper of a class A dog shall not abandon the dog.”

I believe I would have dealt with that already.

Moving on, Mr. President, I would like to turn your attention to an article from my research I would have picked up, and there are no specific guidelines and regulations per se for some of these clauses and some of these amendments to really be enforced properly. One situation that really took me aback, and let me share that with you from the research I have been doing.

8.45 p.m.

An article surfaced on the Newsday, October 04, 2003, and this is to just enforce the fact that we are not really prepared to deal with some of these issues as they come up. This particular incident involved a Government veterinarian, at that point in time, where an individual from a foreign country was coming into the country by way of air and was trying to bring in his dog. When he landed here at the entry point, the dog that he would have brought in to be quarantined was not really the dog that was quarantined. So something happened along the way, I do not know. The newspaper article mentioned that there was a switch between the aircraft and the area where the inspection took place, but how is this really possible, Mr. President? So this just goes to show that even in the local authority, or even in the system, you would always find—and we would have called them “quacks”—irresponsible individuals within the system who do not uphold the law and Constitution. So, I would like to see something being put into place so that these types of incidents do not occur.
The article even went on to say that a person who witnessed what took place tried to blackmail the individual who brought in the dog, and strangely enough, that person died right thereafter, and the matter was thrown out, of course, and the person who brought in the dog had his dog, flew back to his country like normal, no problem. Let us try to also take into consideration deficiencies within the same system, so let us stick a pin here and pause and really interpret this law and how it is going to affect all in society.

Sen. Ramkhelawan mentioned in his contribution that really, you know, we could even try the scenario by doing away with all of the dangerous dogs, remove the bad dogs off the streets and so on. But, Mr. President, I do not think that we will want to go in that direction seeing that we have a society where people have really grown to love having pets and so on, and we do have responsible dog owners, as alluded to by the hon. Minister of Food Production, that he took care of his dog, he carried it to be registered and so on. So we have responsible people, and one or two irresponsible people in the society should not be the cause for others to pay that price. However, I do see the need for the intervention by the Government, at this point in time, seeing that we have a lot of cases, more regular now, with attacks and injuries and so on.

In fact, Sen. Dr. Singh, in his contribution, mentioned that there are many dogs, even listed in the classified ads today, that appear for sale and so on, but when you really check the records, ports of entry and so on, similarly to illegal immigrants coming to this country—because I am very much aware that in recent times, there are many individuals, when detained by immigration officers and their passports are looked at, there are no stamps of port of entry so it really gives you the idea that many black-market situations, underhand situations, are taking place, and we really need good border protection, we really need that 360-degree protection from our maritime borders and so on.

I was prepared to talk about some of the additional problems that can arise from having these animals come in from the black market territory or so on, but Sen. Dr. Singh articulated that well and dealt with that sufficiently, Mr. President, with rabies and so on. We really need to see and look carefully as to what we, as this honourable Chamber here, what we have been blessed with, this opportunity to really protect the lives, protect the rights, protect all in society and giving everybody that fair chance.

So, Mr. President, in closing, let me reiterate and echo the Opposition’s position that there is a need for balanced, proportionate legislation that must be well drafted and everybody’s position must be taken account of. Maybe, in the
future—I do not know how relevant it might be—before I close—an animal pet Bill to control and regulate any animal, as a matter of fact, to be used as a pet, should be even looked at, because, as previous Senators mentioned, many people are switching from dogs now to snakes. I have a certain fear of snakes that I do not ever want to come into contact or even 100 yards away from a snake, and it is only a matter of time before—[Interrupt]

**Sen. G. Singh:** There could be snakes in the balisier. [Laughter]

**Sen. A. Singh:** Glad to share some humour. But it is only a matter of time before you hear, or you see in the newspapers where one of these pet snakes take a turn on its owner. So let us not wait for those injuries and so on of damage of property and persons and livestock, let us have foresight and forecast some good legislation. Let us draft this to accommodate, as I said, all in society.

The Opposition’s position is not what the Government always portrays us to be, that we do not support and we only oppose because of opposition sake. We try our very best in this Opposition to accommodate you all, to accommodate this present People’s Partnership Government. We supported your budgets, we supported some of your policies, we contributed, we gave to you recommendations and having been part and parcel of the governance system in this country, it is our duty to identify the shortcomings, to identify the deficiencies and to identify where you all, the Government, are going wrong so that we could pull you back in track for the betterment of all in society.

With those few words, Mr. President, I thank you. [Desk thumping]

**Mr. President:** Before we proceed to the next speaker, I am to announce that dinner is available so that you may proceed to have dinner as you please providing, of course, you do not leave me without a quorum here. Sen. Dr. Wheeler.

**Sen. Dr. Victor Wheeler:** Thank you, Mr. President, for allowing me to make a brief intervention. I will be brief because most of the areas that I wanted to comment on have already been addressed at length. I was quite pleased to hear the contribution of Sen. Dr. Singh where he gave us some pretty, in-depth and, in my opinion, shocking information about what is alleged to be going on in the treatment and management of dogs.

Mr. President, this Bill, today, is an Act to amend the Dog Control Act, 2013 and I must commend the Government for at least bringing the amendments as they promised after it was debated last year. I do commend them for having
stakeholder consultations. The only concern I have is that after the consultations, it does seem as if some of the stakeholders, for example, the veterinary society and the Trinidad and Tobago Society for the Prevention of Cruelty to Animals, are not quite on the same page with the Government as far as this present legislation that we have.

The legislation today really focuses on really dealing with dangerous dogs and the focus is on pit bulls and the various types of pit bulls. As has been mentioned before, this legislation does not adequately address responsible dog ownership which, I believe, is important if we are to truly get control and protect our citizens from being injured and even killed by dangerous dogs. Mr. President, I do agree that the legislation today is slightly better than what was passed in 2013, in a sense that, at least, there is a definition for what is a class A dog, even though the main stakeholder, who is supposed to define or identify the dog, does not seem to be in agreement with what method should be used to determine this dangerous dog.

I should, for clarification, just point out, now, the term “pot-hound” has been used on several occasions today, and just to say that “pot-hound” is not really a definition. I am informed that this term is actually derogatory to the dog and we should really use the term “mixed breed”. [Desk thumping, laughter and crosstalk] We have to be mindful and respectful to the dog—no, I mean, I am quite serious about this. I am not an animal lover but I have been exposed to cats of late and I am aware that the cats do have personalities and feelings. [Laughter]

[MR. VICE-PRESIDENT in the Chair]

I did have dogs at one time as well—at one time, I had about five dogs and the dogs do behave in a different way. They are from the same parents and so on, so I think we should be mindful with the language that we use when describing mixed-breed dogs, and “pot-hound” is something that I would want to suggest that we remove our— [Interruption]

Hon. Senator: Remove it from the lexicon.

Sen. Dr. V. Wheeler: That is right, thank you very much.

Just quickly to go to a couple of areas in the Bill as presented, in clause 7(2), it says:

“…the Ministry has taken possession of a class A dog…”

And it is now that the dog can be given to a person who is able to care properly for that dog. Now, we have heard Sen. Dr. Singh and others mention how the institutions that provide the care to dogs at the moment—Trinidad and Tobago Society for the
Prevention of Cruelty to Animals or Animals Alive—really do not have the capacity for the anticipated influx of dogs that probably would need to be housed. They also mentioned here in clause 7(2):

“(b) give the dog to an establishment for the reception of stray dogs.”

Now, we have had various numbers put out about how many pit bulls are in the country. Last year, when the Bill was being debated, I heard a figure of 500,000 dogs and I do not think that could be correct, but it is very likely to be in the thousands.

Sen. Dr. Singh: Just to assist you, that 500,000 was put forward as pit bulls and their mixes. It was an extrapolation from the veterinary association and the different sanctuaries and the pounds and vets, in terms of pit bulls and their mixes, because the law was pertaining to pit bulls and their mixes.

Sen. Dr. V. Wheeler: Yeah, but 500,000 is still a lot. I thought it was an error. So, clearly the current facilities that house dogs would be woefully inadequate to deal with what this Bill will have them do, and I do support Sen. Dr. Singh in suggesting that if this Bill is passed, before it is proclaimed, at least, we ensure that the infrastructure is in place for dealing with it.

9.00 p.m.

The other area I would like to comment on is subsection (3) of that same clause 7 where it says:

“Where the class A dog has not been given to a person or establishment under subsection (2) within seven days, the dog shall be destroyed in a manner to cause as little pain as possible by a veterinary surgeon.”

And I am aware that there are very few veterinary surgeons in the Government service and the recommendation to have maybe one or two vets in each county council is what I would certainly recommend.

The other thing is when you do put the dogs to sleep and the dogs have to be disposed of, I am informed the options are either burial or incineration. And I am aware—I have been told that the only place that is capable of incinerating dogs is the Mount Hope Veterinary School and that certainly would not be sufficient for handling the workload that would be expected.

The other area I would like to comment on was the—I had some concerns about the insurance but that has been adequately dealt with by Sen. Young and others. I do not need to comment on that. With respect to clause 18 where it says:
“The Act is amended by repealing section 22 and substituting the following section:

22.(1) A constable or officer of a local authority has the power to seize and cause to be impounded a dog, which he has reason to believe is—”

I too have my concerns that either the policemen or the local authority policeman, they probably do not have the training to handle these dogs. So I think before they are required to do this in numbers, some training should be provided, otherwise you will have a situation that happened to former Senator—what was her name, last year?—former Minister of Justice who had her two dogs killed—Christlyn Moore—Sen. Moore. Her dogs were shot after they left her compound and they were actually in a secure area but the police officers just could not handle them and killed them. If the police officers were properly trained, then this may not have been the case.

Now, Mr. Vice-President, the legislation really focuses on certain breeds of dogs that are to be considered dangerous. And the legislation does not really focus, as I said before, on responsible dog ownership. I have been informed that dogs can be bred to be aggressive and I am told that there is no—certainly the legislation that is presented today does not really address controlling breeding of dogs, which goes on at the moment. And we have heard that you actually have dangerous dogs being imported from places like Venezuela and so on, with no control. And I was not aware that dogs do not need to be quarantined again. Because I am fully aware of the need for quarantining dogs, as Sen. Dr. Singh had said, because of the outbreak of rabies in the earlier 20th Century. So I would want to suggest that we should look at controlling breeding by introducing a breed register.

As has been said by others, section—in the original Act—5A just says that:

“Every person who keeps a dog shall provide the dog or cause it to be provided with adequate and appropriate care, food, water, shelter, exercise, attention and veterinary care…”

But there is no penalty if someone does not follow that section in the Act and I believe there should be some penalty for that. However, I have heard the Attorney General, when he said last year, the intention is to bring separate legislation for responsible dog ownership.

Mr. Vice-President, in addition to controlling the dangerous dogs, you also have dogs that would not be considered dangerous but could potentially be harmful. We have lots of stray dogs in Trinidad and Tobago and I did not see any emphasis
played on spaying and neutering of these dogs. The only reference to that was in the original Act, section 7, subsection (7) which just referred to the licence fee and it says:

“…the licence fee required to be paid to a local authority is—

one thousand dollars per dog where an owner owns one or two class A dogs; or

fifteen hundred dollars per dog where an owner owns more than two class A dogs,

except that the licence fee shall be five hundred dollars per dog where each class A dog has been spayed or neutered.”

I have been informed that the cost of spaying or neutering a dog is upwards of $1,000 and if this is to be an incentive, then maybe the Government could consider financial assistance for those who cannot afford to pay the fee to spay or neuter.

Sen. Devant Maharaj made some reference to PETA in that PETA also is saying that dogs should be banned—the pit bull should be banned, but really and truly this was in reference to—PETA is an agency that is concerned about animal welfare and I have been informed that pit bulls tended to be owned by persons who use them as weapons or in dog fighting. So to avoid the pit bulls being exposed to cruelty in this manner, PETA has actually advocated that they be banned, to save the dogs from the cruelty.

Just one second, Mr. Vice-President. The Bill before us today does not address some important issues affecting the control of dangerous dogs. I believe responsible ownership is a very important aspect of this, as well as spaying and neutering programmes, and controls applied to the breeding of dogs. I do want to also thank Miss Kristel-Marie Ramnath of Best Pets Animal Behaviour Service, for providing some information in the research that I was able to do today. And I would just like to end, as I ended last year, by quoting Gandhi:

“The greatness of a nation and its moral progress can be judged by the way in which its animals are treated.”

Mr. Vice-President, I thank you. [Desk thumping]

Mr. Vice-President: Sen. Mahabir.

Sen. Dr. Dhanayshar Mahabir: Thank you very much, Mr. Vice-President, for giving me this opportunity to speak on this subject this evening. As I examined the Bill, Mr. Vice-President, and I listened to the debate, I asked myself whether, in fact, we were examining an Act to amend the Dog Control Act, 2013 or whether, in fact, we were presenting an Act to regulate the ownership of pit bulls because it appears as though everything is revolving around pit bulls alone, since the other dogs in the schedule are maybe less than a dozen in number in the country.
Be that as it may, the issue before us is: do we have a problem and is the Government attempting to address the problem so that the public interest may be protected? If we are to be as objective as possible and to look at the interest of the general population, we know that in the past, Mr. Vice-President, and in the recent past, people have been attacked and killed by dangerous dogs. They have, in large measure, been attacked and mauled by pit bulls. And just about 15 minutes ago, as my colleague, Sen. Dr. Wheeler was speaking, and as Sen. Dr. Kriyaan Singh indicated, there are perhaps hundreds of thousands of pit bulls and pit bull mixes in the country. And it would appear, therefore, that because of the large numbers concerned, the mortality rates associated with any dog would have to be associated with the amounts in the dog population.

So that if at some time in the future, Mr. Vice-President, it is found that the population of other dogs, which have been known to have a vicious streak to them and which, across other countries, have been known to actually kill people, if we see that the population of German shepherds and German shepherd mixes in the country, the population of Rottweilers and their mixes, the population of Great Danes, Dobermanns, Boxers, Akitas, Chow Chow and huskies, if at any time this country has a pet population of these additional dogs, amounting to the amount of pit bulls and their various derivatives that we are seeing, we are going to have to look at those additional dogs. And therefore I think it is important for the hon. Attorney General to have a schedule of dangerous dogs which can be easily amended by adding other dogs in the particular schedule and that is for practical reasons.

The reason, Mr. Vice-President, is that certain dogs are subject to fads. Not so long ago there was a dog called the Rhodesian ridgeback in Trinidad and Tobago. One is hard-pressed to find one now. In fact, that was the first dog I ever owned. Lovely—but he was said to be vicious. And then a decade ago—it is hard-pressed to find one of those. And so we may very well find that as time progresses, there will be other dangerous dogs that will take the place of this pit bull that we are trying to regulate, control and, I suspect, even to eliminate.

Let me declare my interest at the outset, Mr. Vice-President. I am a great, great fan of dogs. I am one of those—so that my presentation may be coloured by that. I do not own any of those dangerous dogs. I suspect, however—and this will tie in with my presentation—that if I come into the possession, or our household comes into the possession of any of the dogs, in addition to the pit bull that I mentioned, it is quite likely that some of their danger may be tempered. And that would bring me to some of the amendments that I would like to propose.
But first, Mr. Vice-President, it is important to identify, in a debate such as this, in which there is a clear need to protect the public interest—people have been killed, that is a fact. We have had the incidents where the elderly lady, who was related to the owner of the dog, was actually mauled and killed by a dog that she knew. So that it is a real problem but my concern is whether the Government, in the measures and in the amendments proposed, really will achieve the objective, which is to protect the public interest. And I do not think any Member of this Senate, from any Bench, wishes to subject members of the public to the type of danger that we have seen over the last decade or two, since pit bulls have come into our country. I think we all have an interest in ensuring that the instances that we have seen where people have died, or been severely injured, are in fact minimized and eliminated.

So let us, Mr. Vice-President, deal with some facts. A fact is something that is defined to be true. And if we can identify some facts in the hope that we will be able to identify some of what is relevant to the debate, I think we will go a long way to finding common ground on the subject. Let us get some dog facts. Dogs come in different breeds; we know that. They all came from the wolf stock but over time, the dogs have found themselves into different breeds.

9.15 p.m.

We have had some dogs that are expert, Mr. Vice-President, at sniffing. The Labrador Retriever is going to be one of those dogs that will be ideally suitable for trying to rescue people buried under rubble. They can sniff very well. They are used widely in trying to discover narcotics by law enforcement officers. That is what they do. They are of that particular type, not that all of them are like that, but members of that breed are more amenable to that type of work than members of other breeds. That, few will deny.

We have dogs that just love the open range. The sheepdog is a dog who just loves to herd animals. It loves the wide open spaces and it would be miserable if it is confined in an apartment. It is best to have one of those if you are a farmer in a large amount of land with livestock.

You have a dog that is going to be ideal for a particular purpose such as the law enforcement officers who have chosen the German shepherd. The German shepherd is one of those dogs that police forces around the world tend to gravitate towards. I see that they are moving towards other breeds but in general they seem to be more appropriate to the kind of work that the police officers would like to get done. They are amenable to training. You have a type of dog that would be ideal for being a Seeing Eye dog.
So here we have a German shepherd, which is ideal for police work and it is a dog that is really much amenable to that type of activity. It is easier on the handler, if it is a shepherd, as opposed to another. At the same time, the same shepherd can be used as a guide dog, a gentle guide dog, and then you can get the German shepherd also being a vicious dog, guarding a warehouse alone, unattended. So you can have the same dog doing three; one, leading an elderly blind person, a blind child, one being the assistant to a police officer and one guarding a compound and he is extremely ferocious. So we do have dogs of different breeds and they are amenable to, also, different types of work.

We have dogs which are known as the gladiator dogs. We have to accept that. When, in fact, someone is looking for a dog, they tell you that this particular dog requires an experienced handler. If you are a first-time dog owner you should not gravitate towards one of these dogs that is called the gladiator-type dogs, by the Dog Whisperer, Cesar Millan. So he is a gladiator because he has a genetic predisposition to engage in a little fight. He will not back down. These are what will be included in the dangerous dogs. These are dogs which can be aggressive. You can get a Labrador retriever who will bite, but you do not get one if you want a dog who can fight other dogs. You will get a Rott, you will get the pit bull terrier, you will get others in the breed that show a particular viciousness.

Just as we have hot peppers that vary in the range of hotness. The hottest in the world was, up to a couple years ago, known as the Bhut Jolokia from India and I think two years ago, somebody in Moruga produced something known as the Moruga Scorpion, which is the hottest of the hottest of the hot and—[Interruption] it has been surpassed now?

**Hon. Senator:** Yes.

**Sen. Dr. D. Mahabir:** And so we understand that Moruga Scorpion—so have we been beaten?

**Hon. Senator:** Yes, we have been beaten.

**Sen. Dr. D. Mahabir:** We have been beaten, so we are going to have to do some work to get back on the hot scale. What we do know, Mr. Vice-President, is that not all hot peppers will give you the sting. A little bird pepper will give you a tiny little sting and the Moruga Scorpion will give you a lethal bite. So dogs come in these various types, the various breeds.

I do not think anyone will dispute that. But then, let us get to the fact that people and dogs go together like bread and butter, rice and dhal. They go together like chicken and chips, Crix and zaboca. There are people who can live without dogs,
but dogs really cannot live without people. They need people, because they lost their hunting instinct a long time ago and we do have those unfortunate strays, which do not go hunting for vermin, they wait for handouts from sympathetic passersby, so that there is that association between dogs and people.

What kind of people will choose what type of dog? You would have someone who lives in an apartment will be most comfortable with a small toy dog, a Pompek, or a breed such as that. It is an apartment dog. Someone who is a single lady, for example, may choose or will be more comfortable with a small-to-medium size dog and a single elderly man may prefer a larger size dog, but not vicious. You may find a family with young children gravitating towards a dog that has a mild temperament and then you will find a family that lives in a crime-ridden neighbourhood and there is a threat to that household for break-ins and for violations of property and persons.

While the pit bull may not be the most suitable dog for them, it is quite likely, Mr. Vice-President, that this particular family may find it valuable to own one of these dangerous dogs, simply because it has dual properties. They can live with its viciousness, because they have been able to socialize the dog and, at the same time, they know it is potentially, like the dog indicated by Sen. Devant Maharaj, which will do harm to intruders and which will cause some peace in the neighbourhood.

So that there are—the numbers indicated by Sen. Dr. Kriyaan Singh—hundreds of thousands of these various trains of vicious dogs because there is a need for them. If this country was not a country that is so engulfed with crime, I do not think many people would gravitate towards this type of animal with this streak. We have, therefore, owners of different types and we have owners who will gravitate towards the type of dog that is under consideration today.

Let us look at a second category of owner. We have good owners and we have bad owners. What is a good owner? A good owner is an owner who understands exactly what his responsibilities are. This owner is an owner who is going to ensure that the dog is happy and well adjusted. Dogs have personalities. Dogs have feelings. It is for this reason that they are with people. They respond to their owners. You as an owner will have to care for this dog and in many instances owners, especially first-time owners and owners of dangerous dogs, have not had the necessary training in how to care for this particular dog.

But there are good and responsible owners. These are the owners who will feed the dog. They will medicate the dog. They will ensure that the dog is not left out in the sun. The dog will have adequate water. The dog will not be chained for long hours. The dog will be exercised. There will be social interaction with the dog.
The dog shall not be physically abused or beaten. The dog will be spayed or neutered. I am sure the vets would have, maybe, a different category but no one can dispute that what I have mentioned will constitute good ownership. You have to treat the dog so that the dog will be comfortable and in so doing, that particular dog will become an important integral part of the family. It will not have the tendency to bolt and leave the premises if the gate is opened even slightly and it will take the cue from the owner as to what the requirements are. That is a good owner.

And then we have bad owners. The bad owners are going to be owners who will beat their dogs. They are going to underfeed them. They will chain them. They may confine them for extended hours on chains. They are not going to have adequate water, adequate medication and there will be little or no social interaction.

It is good that we do not have, in this country, the sport of dog fighting, because we would have had owners who would train their dogs to be good fighters and it will bring that type of aggression out, but we still have highly irresponsible owners. The highly irresponsible owners are going to be owners that we will have to be looking at.

When we do have a dangerous dog teamed with a responsible owner—an owner who understands how to really care for this dog—we are going to minimize our problem. I want to repeat. When we have a dangerous dog, a pit bull, in the hands of very responsible owners who understand that this dog has a kind of a streak and who do what is necessary to ensure that this dog is properly socialized, well trained, understands its functions, knows who is the boss in the household, is able to listen to the order, and so on, we are not going to have the problems that we are seeing.

But when we have a vicious dog that is teamed with an irresponsible owner and the owner brings out and nurtures that vicious streak we are going to get a lethal weapon. The problem, therefore, before us, is that we have had dog bites and dog fatalities. We are looking at the breed but we have not developed a profile of exactly who is the owner or what are the characteristics of the owner, who had this dog which committed this grave offence.

It would have been very valuable if, for every dog bite case by a pit pull or by a dangerous dog within the schedule, we had an owner profile. What type of owner did we have? It would be very good scientifically for us to know whether these pit bulls were well nurtured, well cared for, they were well looked after, and
despite the best intentions of the owner, they still escape their premises and they went out and they bit and they killed. Or, was it that the problem was: well, the pit bulls are not the only dogs that are dangerous. There are plenty other dogs that bite people every day but the reality is the pit bull is one of those dogs because he is strong and he is powerful and he really has the physical strength to inflict injury and death and we have had more irresponsible owners of pit bulls than of other dogs.

This is an important point too, because we have Rottweilers in this country. A Rottweiler can kill. They have been known to, when you look across jurisdictions you have seen German shepherds committing murder, you have seen Rottweilers, you have seen Great Danes, you have seen Akitas, you have seen the Chow Chow, you have seen huskies. If we have them in this country, and they have not committed, it could be for two reasons: their numbers are few and their owners are responsible. When we see the attacks by the pit bull, it could well be that their numbers are large and there may be more irresponsible owners amongst this large population of pit bull owners.

Given that the problem arises both from the type of dog and the type of owner, what solution can we possibility offer to the Government? In the Bill and in the amendments I do not think anyone can question the usefulness of ensuring that people secure their properties. It is important that fences are mended and secured, the property is gated, that the kennels are very much in order and that the chance of this dog breaking through would be almost zero. So it is important and the Bill addresses that. That will go some way towards protecting the public interest.

Implanting a microchip in the dog so we will be able to track this animal, I agree totally. I am hoping that the cost of this is going to be relatively low. But, you see, I think that it is very important and it is nowhere mentioned in the Bill. In one of my amendments, I do have a suggestion for the Government that the owner of these dogs must, in fact, be subject to a course of training, so that he will be able to know what he is getting into and handle the position accordingly.

So, under section 5, Mr. Vice-President, I have proposed, in the public interest, as a new clause that:

No person shall be permitted to own or keep a class A dog unless the owner or keeper has attended and completed a course of training in the control of dogs, that is recognized by the Minister by order.

This requirement, exists in the Bill but only if the dog has to go out in a public place on a leash. It says if the owner is to take the dog out in a public place, he must have completed a course on how to handle a dog. But I am saying that is inadequate.
The owner must—and when he gets the dog as a pup, when he gets the dog as a one-year-old adult he must—have a course of training so that he will be able to handle his dog. This dog is not a Pompek. This dog is not a poodle; this dog is not a mixed breed mongrel. This dog is a dangerous dog. This dog is potentially dangerous.

So that if the owner handles him well and if the vet, when he goes to get the vaccination, first, second and third vaccine for the dog, I think the vet should be an individual asked or required by the law that this particular owner should be set down, shown a half-hour film clip on how to handle this dog, that gives an idea of the dos and the don’ts. This is what you do with a potentially dangerous dog, this is what you do not do.

The problem, you see, Mr. Vice-President, for people who really, really care for dogs, and I am one of those, is that I see too many irresponsible owners. Too many people accept a dog as a puppy, it is cute as a puppy, cute as a button and then when the dog requires work and so on, they are going to neglect this animal and this animal is going to become vicious.

Once the animal is neglected, a pit bull can become a murderer and a Labrador retriever, as calm and as gentle a dog as that, I can vouch for the calmness. I have been able to put my hand into the throat of my Labrador once to remove a bone, without any fear that this big beast is going to snap my wrist off. I know him. He would not do that because he is not angry. But I have known of another Labrador that actually, neglected by its owner, bit someone. So, we have to ensure that the owners are given this course mandatory. I would want to negotiate with the hon. Attorney General, that the owners of these dogs be given the necessary course of instruction on how to handle this particular dog.

The second issue concerns the requirement of insurance. When I read the insurance section I asked myself: what is the reason for this? Insurance will compensate after the fact. Is this a Bill that is speaking about compensation, or is it to prevent the high incidence of dog attacks? Is it to ensure that the amount of dog fatalities and dog bites is lessened over time and, hopefully, eliminated?

Insurance will not do that for us as a society. What it will do is that it will impose a cost on the owner who is already burdened with car insurance, house insurance, life insurance, fire insurance and now we have dog insurance. I have seen nowhere, any indication as to what is the cost of a premium for $250,000 coverage for my dog. How much is it? I have an idea of what it is going to be if I purchase a car for $250,000. There are cars for $200,000 and that will be around...
$5,000 or $6,000 a year for a car. What is going to be the premium and how is this particular premium going to be determined? Insurance, Mr. Vice-President, is based upon an assessment of risk. That is actuarially fair. You cannot simply indicate one day that this is going to be the premium that you will pay for dog insurance. We need to know. And we have had, okay, let us say we have had two fatalities in the year.

I suspect we may have had probably less than five, the payout on those, let us say, four fatalities, will be $1 million, since the coverage is $250,000. How much premiums are the companies going to collect to pay out that million dollars? A phenomenal amount. It is going to be a huge amount, a burden that we are going to place on the people in this country who simply want their dog for security purposes. They are the people who are using the dog to ensure that their TV set, their DVD player and all their valuables remain intact in their house, while they go out and try to earn their daily living. And if we have a premium that is extremely high, then the protection that they are getting from their dog is not going to be worth the while.

The other issue with insurance, Mr. Vice-President, is this, it will not help us solve our problem of dog bites and dog fatality because it could lead to something known as moral hazard. What is moral hazard? It is simply a case where, since I have insurance, if my dog bites someone, well I do not really have an issue, I do not really need to repair the fence because I am forced to have insurance and so it can lead to a type of behaviour that you do not want. The fact that you have insurance can make you a little less careful. And so, what we want is for people to be for more careful.

We have people who are so low-risk with respect to their dogs. Now, this number that Sen. Kriyaan Singh gave is a very important number. If we have hundreds of thousands of dogs and we have four fatalities in the year, it means that we may have a few really reckless owners and we may have the majority of owners who are really responsible and who should not be burdened with extra insurance cost. So, we need to look at insurance because I can assure this Senate the fact that someone has to have insurance, is not going to ensure that he also has a good fence. He will actually say: I have insurance to cover all my liabilities and if the dog just gets away and it could be shown that I have absolutely no fault in this, I did not know anything, he is simply going to escape. But what we want is not really to compensate victims. We want to ensure that they do not become victims in the first instance and this will have to demand a level of care, with respect to how we treat with the owners.
What, in my mind—in addition to responsible ownership and ensuring that people can adequately care for their dog, ensuring that the dog is not trained to be vicious—is really to determine what, perhaps, can really discipline people with these types of dogs to put some fear in them that they should be more responsible, with respect to their dogs. First, that they should not be training their dogs to be vicious fighters, and second, what we also want is that we want these people to know that there can be severe penalties if in fact their dogs are out loose.

In other jurisdictions they say:

“Sometimes, a dog owner can be charged with murder or manslaughter when someone dies as a result of a dog attack. For example: when a dog owner knows that a dog is dangerous but still proceeds to allow it to run loose, the owner may be considered negligent or reckless. If the dog then attacks and kills a person the owner may be tried for involuntary manslaughter.”

legalresearchdot.com.

“In some cases, a dog owner may even be charged with murder when his dog kills someone. For example, where someone knows his dog is trained to kill people, but leaves a gate open when he knows children will be walking by, the dog owner may be charged with second degree murder.”

So, once we have in our law the fact that a negligent owner, knowing that his dog is capable of severe destruction to people and to other animals, this particular owner should know upfront that he can face criminal charges. He could be reported to the police if his dog is on the road. He could be hauled before the court of law and charged with involuntary manslaughter if he knows that his dog is a vicious dog, if his dog can, in fact, inflict and there are owners who know their dogs. There are people who train their dogs that way and what happens is that the majority of families out there are getting, in fact, a very bad reputation because you have these people, they may have criminal records.

We need to go, Mr. Vice-President, to the history of the breed in this country. When did we start seeing them in the country? They were not here in the 80s. They started to come in the 90s and who would you see with these dogs at the street corners? It was always—my first experience with one of these was seeing some young fellas in the corner with this dog and I said: “I did not know our young men were now so dog conscious,” only to realize this was not a dog on a leash. This was in lieu of a weapon.

And just as, Mr. Vice-President, someone who has a firearm and it is a licensed firearm but he is negligent in how he looks after that piece of equipment, he leaves it lying around the house where children can play with it, that individual can be
charged with criminal negligence. Just as a driver of a car, who knows that he cannot handle his alcohol, he knows there is a breathalyzer test, but he takes much more than he can handle and he is intoxicated and he drives and he kills someone, that particular individual should be charged and will be charged for criminal manslaughter.

9.45 p.m.

There is a criminal offence associated in like manner, Mr. Vice-President. If, in fact, the owner of a dog, who has this dog trained in lieu of a weapon, instead of having a gun or a cutlass, or some other killing device; he has this dog. Not all the dogs are like that, but you have some owners are like that, and they are negligent with their dog, then I think, Mr. Vice-President, this particular owner should know that he will face criminal charges. In this context, I have an amendment which I hope to put forward, which I will put forward in committee stage to the hon. Attorney General. And that is, under section 19:

Where an owner of a class A dog is negligent in securing the dog in its premises, and the dog escapes and kills a person outside these premises, the owner will be charged with involuntary manslaughter.

Where the dog injures a person, the owner will be charged with criminal negligence.

Where it injures or kills another dog—

—because you see, we have not focused on the fact that there are pet owners out there who hold their pets very dear to them, and these pets have been killed by these vicious dogs on the loose.

Where it injures or kills another dog or another animal, not necessarily a pet owned by someone, the owner will also be charged with criminal negligence.

Mr. Vice-President, I think if we are to focus really, we can amend certain clauses in this particular amendment that we have before us, and once we can focus and direct attention towards getting the owner to have some form of formal instruction in handling these dogs; and second, once we can signal somewhere in this particular Bill, that there can be a manslaughter, a murder, criminal negligence charge, and people can actually face a prison sentence, in addition to a fine, then I think we will go some way in protecting the public interest. If, in fact, we just say, let us kill all pit bulls, I think the pit bulls will then be replaced by Akitas, the Akitas will be replaced by the Dobermann, and by the German shepherd and by all the other dogs.
There is, Mr. Vice-President, a need—we have to understand the social context within which we are operating. There is a need for people in this country because of the threat to their security and their person, their property, to have these types of dogs. But there is also a need for the owners of the dogs, to know just as if they were given a licence to have a gun, or if they were given a licence to have any other piece of equipment, they have to demonstrate responsibility. With every right and privilege, will come that responsibility.

In this Bill, if we can add, Mr. Vice-President, this fact that if you are really negligent, you will face a manslaughter or murder charge, if you do not take your course of instruction, we know that you would be an irresponsible owner, we will make some progress and we will be able to more protect the public interest. Simply banning the breed is not going to do it for us, but regulating the breed and all other dangerous dogs, will certainly ensure that we in this Parliament will be discharging our functions to the general welfare.

I thank you, Mr. Vice-President. [Desk thumping]

Mr. Vice-President: Sen. Small. [Desk thumping]

Sen. David Small: Thank you, Mr. Vice-President. Thank you for the opportunity to join in this debate. I want to think that the amendments proposed by the Government could be viewed as a formal reaction following a spate of serious dog attacks. This matter has been the subject of much national discussion.

Mr. Vice-President, I am sure that all of the victims of dog attacks and their families, are thankful that the laws regarding dangerous dogs are finally being appropriately addressed. I think that at the end of the day we are here to discharge a function that allows for the protection of the rights of the citizens of the country, and the right to enjoyment of your property and liberty is very important. Given where things are in the country, I think this is a necessary piece of legislation, but I think there are some issues within it that we need to deal with.

I think that the focus should be placing—as many and sundry speakers have said before, the focus should really be on placing responsibility on the dog owners, who must be prevented from improperly taking care of dogs, but also as mentioned by Sen. Singh—Sen. Devant Maharaj, forgive me, Maharaj—we should be trying to make sure that the victims are adequately compensated and protected, from both the physical and mental trauma from these dog attacks.

When I listened to several of the other presenters and speakers, and I, in the course of my research on the subject, came across a position espoused by several persons that says:
“THERE IS NO SUCH THING AS A DANGEROUS DOG, ONLY IRRESPONSIBLE owner!!!!”

This view takes the position that:

“A dog is not born of a BAD temperament, it is made that way by…actions or lack”—there—“of…its “owners”.”

If one is supportive of this position, then the whole notion of dangerous dogs goes away, and legislation that effectively demonizes specific breeds as dangerous, is probably going in the wrong direction. One of the challenges, with such legislation, is that it could encourage irresponsible people to pursue cross-breeding, in order to bypass the law. Any dog of any pedigree or not, in the hands of an irresponsible owner, could be dangerous. I think that it is clear that one of the laws that tags certain breeds of dogs as dangerous, and penalizes them accordingly, also influences public opinion for the wrong reasons. Regardless of breed, irresponsible owners are those who should be punished, not necessarily the breed of dog.

We need to have included in the amendments, a humane view that dogs are animals, and have rights that need to be protected as well. And while we deeply and sincerely sympathize with the victims, and those who have been attacked by dogs, we should also consider that being a man is not a licence to be cruel to the animal known as man’s best friend.

This legislation would be incomplete if it does not take proper account of unprovoked, aggressive or threatening behaviour by humans towards dogs. There should be some culpability and due consideration for deliberate human actions that impact negatively on the dog’s natural defensive and territorial instincts. It is clear that not all cases of dog attacks are caused by human taunting, or other acts, but undoubtedly some do, and in such cases, the amended Bill must take that into account with appropriately worded provisions.

In the absence of local empirical data on dog attacks, I sought some data from the AVMA, American Veterinary Medical Association, and they quoted some numbers for the USA for 2011. They said in 2011 according to their numbers, there were 70 million dogs in the USA, and every year around 4.7 million people were bitten by dogs. In 2011, 31 persons in the USA were killed by dogs. Interestingly, as we were speaking about the insurance elements of it—and I thank Sen. Young for his brilliant contribution, especially around the areas of insurance. [Desk thumping] I found a bit of data on the AVMA website which said that, the average dog bite insurance claims settlement in 2011, was just over US $29,000 in the USA, and overall, insurance paid $479 million in settlement claims for dog bites in the USA in 2011; $479 million.
So that when we craft legislation here, and we put things in it, we need to understand what we are doing, and at least to try to project what that could mean for Trinidad and Tobago, with a population as Dr. Singh has said, a total population of a couple of million dogs of which around half a million are pit bulls and their related breeds. When you think about having insurance provisions in there, then the status, the numbers could easily add up, because in the absence of data on dog bites, empirical data that we could really count on, we are not sure exactly what the ramifications of this legislation means going forward. According to the AVMA, the same American Veterinary Medical Association, they did a multi-sectoral study, and the study says, and I quote. It says:

“Owners of pit bull-type dogs deal with a strong breed stigma, however controlled studies have not identified this breed group as disproportionately dangerous. The pit bull type is particularly ambiguous as a “breed” encompassing a range of pedigree breeds, informal types and appearances that cannot be reliably identified.

Given that pit bull…dogs are not implicated in controlled studies, and the potential role of prevalence and management factors, it is difficult to support the targeting of this breed as a basis for dog bite prevention.”

Now, the authors of this study cited dozens of peer review studies that report a variety of breeds and types of dogs in connection with injuries to people covering 40 years. These published reports and controlled studies came from all across the United States, as well as Canada, the United Kingdom, Denmark, South Africa, New Zealand and the Netherlands. These varying reports also confirm the infectiveness of breed-specific regulation. The report summarizes its conclusion by saying:

“…it has not been demonstrated that breed-specific bans affect the rate or severity of bite injuries occurring in the community.”

Mr. Vice-President, the theory underlying breed-specific laws that some breeds bite more often, and cause more damage than others, and the logical extension is that laws targeting these breeds will decrease bite incidences and severity, have not met with success. There is significant empirical evidence to support this.

Mr. Vice-President, we here in the Senate, must be careful of supporting legislation that could have the unintended consequence of compromising rather than enhancing public safety. As certain breeds are regulated, individuals who exploit aggression in dogs may turn to other unregulated breeds, thus essentially shifting the problem to another type of dog.
Mr. Vice-President, attacks on human beings by dogs, can cause terrible injuries, and in some instances death. It is natural for those responding to the victims to seek to address the immediate causes. Laws that seek to identify specific breeds of dogs for control have failed to produce the desired results in several countries around the world for many reasons, including the legislation prescribes that dog’s type and behaviour, based on its physical attributes, despite the fact that this is not scientifically exact or possible.

The legislation only often applies after an incident has taken place rather than taking a preventative approach. Those types of legislation offer no protection for persons entering a private place, where the dog is permitted to be. Often, the legislation only applies to dogs that have displayed aggression towards people, so dog attacks by other breeds, leave the public unprotected.

In saying all of this, Mr. Vice-President, like most of the speakers before me, I think we need to just understand the road forward. What we should be seeking to do is to craft—for want of a better phrase—a breed-neutral piece of legislation, inclusive of the necessary regulations that will allow for effective enforcement. Some of the key elements would include: rigid enforcement of dog registration and identification requirements, holding of dog owners or dog guardians financially accountable for failure to adhere to dog legislation, elements that penalize animal cruelty by dog owners or persons coming into contact with dogs. Also important are dog population management factors, such as neutering or spaying and childcare factors such as supervision around animals.

Mr. Vice-President, in closing, I wish to say that in my respectful view, I think this Bill is well intentioned, but ill-informed in some areas, with respect to the effective profiling of specific breeds of dogs. As I have indicated, there could be several negative, unintended consequences of this Bill being passed as it currently stands, including a rise in homeowners’ liability insurance premiums, for persons owning the type of dogs in the schedule.

The whole insurance issue, is an issue that beleaguered my thoughts when I was looking at the legislation, and I still have not figured out how we are going to treat with it, because in the US and other places where this is done, it is tagged on to people’s homeowners’ liability insurance, and you have a unique situation in the USA. I live next door to you, and you are paying—you have a pompek or a toy dog as they call it, and then I have a pit bill, and my premium is significantly greater than yours. I do not know how those issues are going to be managed. I do not know what they do there. We have to understand: how do we manage those issues here? I am not sure if within the legislation, we have that properly tackled or properly covered.
I think this may not necessarily seem to be a fair approach and what is needed is legislation that recognizes a special relationship between dogs and human beings, applies across all dog breeds, and holds all owners to a higher standard of humane care, custody and control of dogs, regardless of breed or type.

I have a couple of other little things I want to just share with the Senate. I think my concern is, as with everything we do here, how do we operationalize it? Having had experience in civil service systems and you have legislation being passed, operationalizing it, having it in a place where it is working in any way or semblance or form to what is intended, takes time. It is just the way the system works.

So while we may have a prescriptive six months schedule to roll it out, it requires significant institution building; it requires getting the resources in place; vets, you need facilities; you need facilities that will be able to incinerate. It is all sorts of things. We probably have not mapped out all of those things properly and certainly in the explanations provided in the Bill, it has not been provided to us how those things are, where those things are.

I would be happy to hear from the AG in his wrapping up to help the Senators decide what position we are taking where those things are. What are the operational issues to make this Bill really, really work?

I have one other thing that I want to talk about, Mr. Vice-President. It is some of the issues raised by Dr. Kriyaan Singh. I am hopeful that somebody somewhere is going to really, at least ask a question about some of the issues raised by Sen. Dr. Singh, to establish the veracity or otherwise.

I am concerned about non-certified vets performing surgery. I listened to it; first time I am hearing of it, but I would like to think someone is at least going to look at it and ask a question. That is of concern to me. Then you have an issue of people who should not have access to controlled drugs and for what—Certainly, Minister.

[Interruption]

Sen. Maharaj: Just for your information, Senator, I have already asked the head of the Unit to address all the concerns raised by Sen. Dr. Singh and I have convened a meeting tomorrow to enquire as to the allegations made against those veterinary assistants.

Sen. D. Small: Minister, I am thankful, so I do not need to go on with that point. I really appreciate that because I think that is the way in which you should move that once something is raised, Government is taking the appropriate action. [Desk thumping] I appreciate the proactiveness of the Minister being able to respond right away, so I can rest easy on those issues. Thank you very much, Minister.
So, Mr. Vice-President, I think that this is a Bill that I think is long overdue. I think that this debate has gone in a particular direction that I am not enthused about, but I have attempted just to raise my few issues in a concise way and I think that this is something that is needed, but I think also what is needed is that we need to fix, in the committee stage, several of the issues that have been raised by myself and some of the other Senators and I thank you for the opportunity to speak.

Sen. H. R. Ian Roach: Thank you very much, Mr. Vice-President. Thank you very much for the opportunity to make my few remarks concerning the Bill which seeks to amend the Dog Control Act, 2013.

I have been fortunate, again, to listen to the several contributions made by the hon. Senators and, first of all, I would like to say that the Bill is a Bill that is long overdue and one that ought to be supported in principle. But listening to the debate and having done research myself, I do not want to find myself here tonight regurgitating and rehashing many of the constructive comments made by Senators, Independent Senators as well the Opposition Senators.

To me, the essence of what is being attempted by the Government is to provide protection for persons from dangerous dogs per se. But, unfortunately, the essence of the Bill seems to be tailored towards a limited category of dogs in particular. As we have heard repeatedly by Senators who have done their research, a lot of which has come from foreign jurisdictions, is that as much as we are oversensitized by the number of assaults committed by apparent pit bulls, for one reason or the other, which has been highlighted in our news, what I think the Act ought to be focusing on is the protection of dangerous dogs per se and, in doing that, a dog in itself, as you have heard repeatedly, is not dangerous per se on its own.

There are a number of things that affect the temperament of a dog apart from its breeding, socializing—a number of things—and I think the Act ought to place a greater emphasis on the ownership and possession of these dogs. I think we will lose the whole opportunity if we were to focus a limited view on a few dogs as obtained in the schedule, be it the pit bull or any of the other four breeds that have been mentioned. I think the emphasis ought to be placed on responsible ownership and possession of any dog, so to speak.

Now, I do not necessarily agree with my esteemed colleague, Sen. Ramkhelawan, saying he does not agree that this Bill is being rushed through here. I believe, from my little stint here, I find that too many times that we are
dealing with Bills, there seems to be a haste to pass legislation that very often is very important for the public at large and I think that some deliberation and some concern must go into it.

Many of the Senators on the Government side are engaged in running Ministries and their constituencies and time is of essence and very, very precious, but at the same time, once a Bill leaves here and becomes an Act, leaves here and becomes law, it goes into effect and it has an impact upon the people who are to be governed by it.

As Sen. Young, in his maiden contribution—on which I would like to congratulate him at the same time—[Desk thumping] has said, when law leaves here and leaves here not properly made, it just gives a field day for lawyers to take issue with it.

The hon. Attorney General is a good example of that. When laws leave here and were flawed, in his private practice he was a very well-known advocate, pit bull himself, of the law for dealing with things like that. So I think we need to spend a little more time really and truly, honestly, and be dispassionate about it. I know there is a lot of hysteria, a lot of debate has taken place over the last couple years about the Dangerous Dogs Act and, in our haste to do right in our responsibilities to the public, I think we need to give it, if it needs a little more time to go back to committee stage to be fleshed out.

There are a number of constructive criticisms that have been placed before this honourable House to take on board in trying to get it right. If we need a little more time in getting it right, I see nothing wrong with that rather than sit here until three o’clock/four o’clock in the morning debating and trying to have this passed in one sitting. There is something in economics you call diminishing returns and, regardless of my physical state, it is a mental exercise.

I am listening this morning or I think yesterday to one of the talk shows, the radio talk shows, and I listened to Dale Enoch. He was saying he sat up, I think on Friday last, listening to the debate in the other place concerning the Salaries Review Commission. He sat until one o’clock or two o’clock. That is an assault on the public who want to participate and understand what they have entrusted in us to do. [Desk thumping] We cannot come here willy-nilly and take it upon ourselves to sit like this. People want to participate and really understand what is going on.

The legislation that is being passed here is not being passed for the purposes of lawyers being able to go out there and have a field day with it. It should be
passed in such a way that the ordinary man and woman in the street that is interested can understand, read, pick it up and follow from its inception.

I have not gone about dealing with this legislation in my research by doing any scientific polling, but over the last few weeks, much to my amazement, I have been stopped by persons—first of all I am surprised that they recognize me as a Senator, because I am not outside wheeling around in my wheelchair; I am in the car—from the papers man, the gas station attendant to where I am buying my dog food from a couple vets. They all ask me about the legislation and they have concerns, grave concerns about the legislation being passed and the impact it will have and they hope I understand the impact it will have upon dog owners per se.

So even though there are—[Interruption]

**Sen. Ramlogan SC:** Any victims spoke to you?

**Sen. H.R.I Roach:** Well, I did not ask if they were victims. They mentioned their concerns as members of the public that have entrusted a responsibility to us as legislators. I did not go in to ask them whether—because most of the time I was taken by surprise that they would just pounce on me and start discussing this Bill that is before us at this point in time.

What I will say, in taking the proper time of go through and absorb a lot of the constructive criticisms that have been made by Senators here today, I do not think the public at large is naked without protection anywhere as it stands with our law because under the criminal laws we have provisions to protect persons who are mauled, or attacked or bitten in any way by dogs.

Sen. Dr. Mahabir was saying, he googled. It is applicable in Trinidad and Tobago in the criminal law. There are provisions to take care of those things at this point in time. Similarly so, in the civil law, you have a rule that I have not heard anybody speak about. I do not know how often it is used in Trinidad and Tobago. There is a rule of law in tort called *Rylands v Fletcher*. It is a case that came from the 16th or the 18th Century, from the very name, which speaks about people bringing and keeping on their premises things that are likely to cause harm.


“Nature of the rule. In *Rylands v. Fletcher* Blackburn J. said: ‘...the true rule of law is, that the person who for his own purposes brings on his lands and collects and keeps there anything likely to do mischief if it escapes must keep it in at his peril, and, if he does not do so, is prima facie answerable for all the damage which is the natural consequence of its escape.’”
Now, if a dog escapes from your premises and causes damage to anybody outside of your premises, that person can be sued under the principle of *Rylands v Fletcher* in a court of law in Trinidad and Tobago and be compensated as the case may be.

So, in terms of the time to tidy up this Act and get it to be correct, get it as best as can be; yes, there is no perfect law, yet still, because there is no perfect anything, we live in an imperfect world, but that does not mean that we cannot seek and strive for perfection.

I think also that the law, in its present form, the Dangerous Dogs Act is, I think, 30 sections. We have, according to Sen. Al-Rawi, as he has pointed out, there are some 19 amendments in it. It makes untidy reading to me for the average man and woman who is interested and who will be affected by an act of this nature to have to deal with this type of complicated marrying of amendments and so forth.

Probably the best approach at this time is to repeal the Act in its entirety and replace it with a proper revision of what then is considered to be appropriate after this deliberation and then enact it. It is not an exercise that will take two years; it is not an exercise that will take the rest of the year. It is an exercise that can be done quite quickly and efficiently given the quality of debate that has transpired; the fact that amendments have been made in the other place as well. So it does not have to go back over again and go through the whole gamut of being rehashed.

From my own personal experiences as a dog owner, as a dog lover, I think the whole emphasis, as I said, should be on ownership, on owner responsibility as opposed to the nature of the dog itself because, as Sen. Dr. Mahabir said, 20 years ago there was no talk about pit bulls in existence. They did not come into our society then.

I remember the first time I came into contact with a pit bull was when I was in university in Barbados back in 1981. At that point in time, the dog of the day was Dobermanns and German Shepherds. They were fierce as this. A Dobermann again was a man bred dog. It was bred by a German called Louis Dobermann, who was a watchman who wanted a dog to assist him in carrying out his responsibility to watch and then eventually it was so bred to perfection to be a killer dog, to kill human beings, it was used in the war by the Germans to kill soldiers, sent in the trenches to hunt them and kill them.
10.15 p.m.

So dogs can be manipulated and their temperaments can be manipulated over a period of time to get what you want. Today, in Trinidad and Tobago, any person in the dog community can tell you it is difficult to find a really vicious Dobermann at this point in time. I am the owner of two Dobermanns and they are well mannered; I mean, they have excellent temperament and they suit a dual purpose: as a family dog and also as a watchdog, but it is difficult to get the temperament that existed 20 years ago or 30 years ago, as the case may be.

So when you clamp down on a particular breed in this legislation as it is seeking to do in terms of the pit bull more than anything else, breeders cleverly can just go ahead and breed out of that. You breed a Dobermann with a Rottweiler and you breed a Rottweiler with a pompek or something so, I mean, what actually are you getting there? You may be able to save the temperament. Just how you breed horses to get a specific type of thoroughbred—and you are now doing it with human genes and genetics to get bright ones; to get this colour eyes and so forth—it is the same thing that goes on in the dog world for a very long time, and you can easily contaminate or avoid the capture of what the legislation is intended to do in terms of this particular breed. So it cannot be breed in that regard. I am saying it cannot be breed-specific, it has to be ownership, possession, more oriented.

I have received correspondence from a number of bodies and organizations, apart from those persons who I said just approached me willy-nilly like that off the street, speaking about their sentiments about supporting the Bill, but not in its present context—supporting the fact that legislation is needed for dog control and animal control generally in Trinidad and Tobago—and one such came from the Trinidad and Tobago Veterinary Association. I think a number of persons may have received this, as well as Senators, and they are saying here—the association is advocating a legislation approach based on the identification on individual potentially dangerous animals and preventing them from inflicting harm.

They said:

Dog bites are the result of a complex behaviour caused by interaction of many factors.

And they went out and they said they have done a number of researches comparing legislation from Australia, from New Zealand, from the United Kingdom and so forth, and that a number of countries are moving away from the breed-specific type of legislation to one that is—what it is?—emphasis shall not be on types of breed, but on ownership and possession of any type of dog. I think the UK is also moving towards that. They said Canada and New Zealand are now going in that direction.
So I think we have the ability or we have the opportunity to look and cull and try and get what is the best practice—what is the best legislation at this point in time in existence—in dealing with this nuisance or this concern that we have that is now very ripe in our society in terms of people’s concerns and anxiety of attack by dogs and being mauled.

Unfortunately, I said there are certain dogs that are more highlighted than other dogs, but most dogs or any dog handled in the wrong way and dealt with in the wrong way can be a dangerous dog, and you would obviously get more reports of those dogs that are highlighted that seem to cause more hysteria—the pit bull, the Rottweiler—than you would get from other dogs that are also causing similar damage, if not only to humans, but also to property and livestock.

So I think we need to take—I mean there is sufficient contribution that has been made by Senators here today that addresses that and assist the Government in formulating the type of legislation that would address all these issues, and there is no need for us, to me, to sit here until 3.00 or 4.00 in the morning, tonight, to try to get it right. I think we could commit it to a committee and deal with it in an appropriate way, and when it does come again, as I said, we could pass it in good time.

The other issue deals with the insurance which, again, Sen. Young has dealt with, which is something that is very important, and I am not going to rehash that because I think it was adequately dealt with. There are a number of drawbacks to that and it needs to be looked at again to tweak it and have it done correctly. And, more importantly, what Sen. Small has just said is that we tend sometimes to seem to put the cart before the horse.

There are a number of administrative concerns which would require efficient implementation before this law can actually become operational, and how long will it take? Unfortunately, these things, even though we are of the best intentions providing for six months, I do not think six months will address all these different things that need to be done. There needs to be budgets for a number of municipalities and so forth to bring these operational aspects into fruition before the law could be effective and, therefore, if it is the Act is going to be passed, is it going to be a moratorium for a two-year period before these things are actually activated, put in place to know that once it becomes law you can go and get a registration; you can go and do all that is necessary to do to comply with the requirements of the law? If not, we are now being oppressive in terms of our legislative responsibility to the public.
So, Mr. President, another point my colleague, Dr. K. Singh, was telling me earlier on that in making his contribution what he escaped is that when you speak about putting certain physical protections in terms of raising the fences in your house and so forth to take care of dogs escaping, he said there is the experience that during times of certain excitement—you know, certain celebrations like Independence and fireworks and so forth—a number of dogs jump their fences, no matter how high they are to escape them. Now, during that time they are excited; they are scared and they commit an offence, can you reasonably hold an owner liable for that in those circumstances?

So there are a number of things in the legislation, first of all, I said is—\[ Interruption\]

Sen. Ramlogan SC: What is your option? I mean, if you own a pit bull and it is a playful animal and it just jumps the fence and it mauls somebody’s child, what is the option?

Sen. H.R.I. Roach: Not jump the fence, you know. He said in circumstances where they are excited, again, by fireworks.

Sen. Ramlogan SC: Okay, fine. So for whatever reason, I am celebrating my child’s birthday party, I send off fireworks on her 10th birthday and your pit bull gets excited and jumps the fence and mauls her, what is the option?

Sen. H.R.I. Roach: Rylands v Fletcher

Sen. Ramlogan SC: Rylands v Fletcher? No, no. That is the existing law and it is proven to be totally inadequate.


Sen. Ramlogan SC: Sorry?

Sen. H.R.I. Roach: You ban fireworks [Laughter] or you ban fireworks being used in communities where people are. It should not be. It is a nuisance to society as a matter of fact.

Sen. Ramlogan SC: Another option would be to ban the pit bull.

Sen. H.R.I. Roach: As well. But you are banning the pit bull, but other dogs are also frightened who are not pit bulls and become dangerous in those circumstances because they are operating under tensions and fear. [Crosstalk] Well, there we go, so you see. So I think as much as it is a bit of legislation that has evoked a lot of emotion in our society, we have to be dispassionate and try and find the best medium.
In passing any legislation there is always a balance between rights of one person as against another, and we have to find the balance. I think the onus is upon us to find the balance and, therefore, in our haste to do what is right, we need to err, if anything, on the side of caution by trying to get it right this time. I think this Bill, as has been said before, it came before this Chamber—this is about the second or third time—14 years. I think a couple months again, a month or two, certainly, cannot make it that bad to get it right.

So I am all for legislation in controlling dogs, dangerous dogs, but not in its present form. I think I am willing to support the initiative if the initiative will take on board a number of the criticisms that have been made by the various Senators, and that once that is done, certainly, one could approach and support something that more resembles a balanced approach in taking persons, the balancing of the competing rights, that this legislation will certainly provoke.

One cannot underestimate or underscore the importance of looking at the constitutionality as well as the property aspect of it because, I do agree with I think the two Senators: Sen. Young and Sen. Faris Al-Rawi as well, who spoke about the fact that I think you need a three-fifths majority to pass something like this because it affects property, it does. I think if we do not go that route and we pass it with a simple majority, this legislation may very well face challenges in the court, and who knows it could be struck down and, again, then there will be a colossal waste of our time, the public’s time, the resources in passing an Act that we know could have been prevented and dealt with in a certain way. So I would ask the hon. Attorney General to really look at that carefully in determining whether or not that is what is required in this instance. I do not think there is much again for me to say. [Crosstalk] Sorry?

Sen. Ramlogan SC: It is a comprehensive contribution.

Sen. HRI Roach: I think it ought to go, as quickly as possible, to the stage where we can really get into the nitty-gritties of fine-tuning it and get on with the business of the people. I thank you, Mr. President. [Desk thumping]

Sen. Shamfa Cudjoe: Thank you, Mr. President. Mr. President, it was not my intention to enter this debate tonight because I think we have gotten to a point where we are pretty much repeating the same thing but, Mr. President, I just wanted to get my two cents in, upon looking at the track document that Sen. Al-Rawi would have provided for us.

Now, Mr. President, dog attacks on children and often adults are a scourge on society, and I want to state for the record first and foremost that the People’s National Movement, we wish to lend our support in crafting legislation and
implementing measures to prevent and control incidents of these attacks on the people of our society, and to sort of allay their fears and, placate, their concerns as it relates to dangerous dogs.

Now, Mr. President, it seems like it is the intention of some of the spokespeople for the Government to fool the public into believing that the People’s National Movement does not support legislation to treat with dangerous dogs or measures to control this issue. They are trying to give the impression that we are opposing just for the mere sake of opposing. Mr. President, anybody with the most basic common sense who has been paying attention to this issue from especially the very early stages when we passed the legislation last year, would be able to say that the People’s National Movement, in the Lower House and in the Upper House, would have assisted with crafting this legislation and passing this legislation.

If you go back to the record of the parent piece of legislation, Mr. President, we, as a Parliament, both on the Government side, the Independent and the Opposition sides, we made a commitment. We made a commitment to each other here in Parliament and a commitment to the people that we will come back to the Parliament and fix this legislation, and that is the reason we are here today, to fix this legislation.

We have made that commitment, Mr. President, and we have a responsibility to solve the problems that affect our citizenry; Mr. President, a responsibility to enhance the safety and the security of the people we serve, and this includes passing good legislation and establishing the necessary infrastructure to ensure that there is effective implementation and operationalization of these laws, and failure to do any of these things, Mr. President, would be a blatant abdication of our responsibility [Desk thumping] and it is not our intention to do so. [Desk thumping] So, Mr. President, it is in this light that we place our concerns on the record.

Now, I stand firmly behind the Senators of this Bench and the Senators of the Independent Bench also that would have also raised their concerns, especially, Sen. Dr. K. Singh and Sen. Roach. Now, I want to add to some of the concerns that were thrown in here today, and I wish not to repeat that which was already said.

10.30 p.m.

My first concern, Mr. President, and nobody has raised it before, I would have mentioned this in the previous debate—I want Senators to take a good look, especially the Attorney General and those who are involved with the necessary amendments and changing the clauses, or amending the clauses to ensure that we achieve the goals or achieve the objectives that we set out here to achieve this afternoon—I want us to look at our definitions and the clauses that treat with what is a local authority.
Mr. President, under the section that deals with the definition and interpretation, section 4 of the Act, you have “Minister”. A definition of Minister means:

“…the Minister to whom responsibility for local government is assigned;”— and “Ministry” shall be construed accordingly.

Mr. President, in the parent legislation, it was the Government’s intention and we as a Parliament agreed that the Tobago House of Assembly would be responsible for the implementation of this legislation in Tobago, but when you read this piece of legislation and the amendments that are being proposed, for instance the provision that seeks to amend section 4 that says:

“The Ministry shall establish and maintain a database of all class A dogs and that database shall contain such information as prescribed under section 28.”

Now when you look at the proposed amendments before us and the parent legislation, the Government is having some difficulty in saying where the Minister is responsible and where the local authority is responsible. So for instance you have the local authority—and remember when you are thinking about Tobago, you have to substitute the words “local authority” for “the Tobago House of Assembly”, because that is what was said in the interpretation section of the parent legislation, all right—so it says that the local authority and its officers or a constable. The Tobago House of Assembly does not have a police force or a police authority like your local authorities do in Trinidad, neither do we have a department that treats with these kinds of issues, so I am starting to wonder whether this would go under the division of public health, health and social services or probably the division of agriculture, but for the implementation of this legislation in Tobago, there needs to be some kind of consultation between the Tobago House of Assembly and the Government to treat with this, because at one point in time you are saying the Minister of Local Government has responsibility for certain functions.

In Tobago there is no Ministry of Local Government and we do not report to a Minister of Local Government. So you are asking the Tobago House of Assembly to handle this responsibility and we have absolutely no problem with that, but we need to sit and iron out how this thing is going to work. Because the Attorney General would have mentioned, if you are a dog owner and you do not want to be bothered by the requirements for this piece of legislation or these provisions, then call the Ministry and drop the dog off, or call the Ministry and we will come to collect the dog.
How do we in Tobago call the Ministry and drop the dog off? [Crosstalk] So, right, there should be a local authority. The local authority should treat with that. So where you have Minister and Ministry in the legislation, then you place “local authority” when you want to refer to the Tobago House of Assembly, because some of the things you are asking the Minister to do should really be the local authority in the Tobago case. So be sure to specify, especially as it relates to Tobago, [Desk thumping] the responsibilities for the local authority.

What I am picking up here is that you want the Minister to hold some of these responsibilities in Trinidad, like you want to take it from the local government body and give it to the Minister, but in Tobago that would not apply. [Interruption]

Sen. Al-Rawi: What is Tobago development doing in all of this?

Sen. S. Cudjoe: Thank you for that, Sen. Al-Rawi. It made we wonder then, what are going to happen to the Members of Parliament who are a part of the Cabinet when this legislation came before the Cabinet. These are the kind of issues to always ask yourself, when you implement or when you are talking about bringing a piece of legislation to the Parliament, okay, how would this affect Tobago? And that is the responsibility of, let us say, your Minister of Tobago Development or people who are familiar with what takes place in Tobago and how the Tobago House of Assembly operates.

I really think that we or they would have abdicated their responsibility, especially as it relates to Tobago in this regard. Mr. President, because we face a case where we do not have proper transport facilities, inter-island transport between Trinidad and Tobago to even transport food, to bring food to the island or to transport people back and forth at some point in time. We certainly cannot be making provisions for transporting dogs to the Ministry in Trinidad. So it is clear. It is pellucidly clear that the intention and the spirit of the legislation is to have this responsibility vested under the Tobago House of Assembly. [Interruption] Go ahead, Sir.

Sen. Ramlogan SC: Where do you keep your stray dogs and so on now?

Sen. S. Cudjoe: Nowhere. There is no facility.

Sen. Ramlogan SC: You sure about that? It does not have any stray dogs in Tobago?

Sen. S. Cudjoe: Now let me tell you, we would have had this discussion with the Ministry of National Security to treat with this issue, and for the police to treat with this, and the Ministry of National Security would have asked—[Interruption] I am
sure that the Division of Health and Social Services would have something to treat with that now, okay, but this is going to call for a larger and a more serious—these little stray dogs we are picking up are not dangerous dogs, I am sure. Okay.

I do not have the statistics of that, maybe in your little Cabinet meeting, the Minister of Tobago Development would be able to provide that information to you. He should be doing what he is supposed to do for Tobago, rather than all the other extra stuff. Anyway, Mr. President, as I was stating, there was some discussion between the Ministry of National Security and the Tobago House of Assembly to acquire land from the Tobago House of Assembly for kennels for national security or the police in Tobago, and the Tobago House of Assembly went ahead and issued that land to the Government and nothing has happened as it relates to that canine unit and the setting up of kennels and so forth in Tobago.

So we may need to have this discussion and iron out what is going to happen next, because you asked for the land, we gave the land and nothing has happened since then. Okay. So just go back through the legislation and check sections, like section 4, interpretation; 5, that section that treats with wherever there is the Minister and the Ministry, section 8, 9(3). Anywhere the Minister and the Ministry is mentioned, and the local authority, just ask the question, okay, how would this work in Tobago? Because at the end of the day, it does not make sense to have the legislation and we are not able to implement it and operationalize it in Tobago.

That brings me to some of the other issues as it relates to the operationalization in Trinidad. Now, Mr. President, as the Attorney General said, “Take the dog and drop it off to the Ministry, all of you who do not want to incur the cost of the requirement”. [Interruption] Now I am speaking in the Trinidad—yeah. Okay

**Sen. Ramlogan SC:** Not Tobago again?

**Sen. S. Cudjoe:** Yeah, not Tobago again, now I am speaking about Trinidad—because the same issues will apply, right. Is the Government or the regional corporations that are responsible for enforcing this piece of legislation, do they have the kennels? Do they have the dog pounds or the facilities to keep these dogs, Mr. President?

I would have expected that between the space of time the parent legislation was discussed in Parliament, that the Ministry of Local Government would have started going out to the communities and having consultations, advertisement in
the papers, encouraging people to come out and be educated and edified as to what is supposed to happen, so we can get the feel as to what is happening on the ground, Mr. President. But on contacting several of the councillors from the regional corporations, they claim that they have not been consulted.

One of the major challenges in the European countries, as it relates to this Dog Control (Amndt.) Bill or dog control legislation, is insufficient human, technical and financial resources for enforcement, Mr. President. Where is the allocation? What kind of plans does the Government have in place to train these people, these officers who are going to be dealing with these dangerous dogs and these irresponsible owners? So I think that the Government, especially in the Ministry of Local Government, has some serious work to do. Mr. President, against the backdrop of what is happening in the regional corporations, we are very well aware that these corporations against the backdrop of insufficient funding, incompetent, human and technical resources capabilities, they are bursting at their seams, and we are pretty much spreading them thin or stretching them when we add these responsibilities and do not supply the necessary infrastructure to assist them in executing these functions.

Mr. President, I would like to draw to the Government’s attention, the absence of a legislative agenda [Desk thumping] almost four years into your term. If you were to present this, that this legislation was coming up, then you could have planned outreach programmes, advertising campaigns and the whole issue of legislation and rules and regulations for caring of these animals. Sen. Small would have also raised the issue of legislation to treat with animal rights. Then all these things could have been dealt with at the same time. Of course you cannot do everything in your one term, but if you have a plan you can do things more effectively and more reasonably, and in a more sensible fashion.

So I want to urge the Government again, it is not too late to get yourself together and come up with a plan, a legislative agenda, something not just for our satisfaction, but to guide yourself. You need a compass. [Desk thumping] If you do not know where you are going, any road would take you there. So, Mr. President, I want to urge the Government to consult the stakeholders once again. Well, to consult some of them for the first time, and let us do all that is necessary to bring some meaning to this legislation, because we do not want to give our citizens a false sense of security. What we are doing by passing this legislation is just like we did in the Children Act, make people feel safe, but are they really safe?
The people who were out on the pavement this afternoon with their little placards protesting this afternoon, protesting in support of this legislation, I hope that they are listening, especially to some of the recommendations raised by Sen. Dr. Singh. I wish I can call them by name and ask them if they are listed in UNC party group, whatever number you are. [Crosstalk] So, Mr. President, I want to urge us all, we are here now and we have made a commitment to fix this legislation. We are here now.

I am sure that each Member of Parliament here today—we are prepared to do whatever it takes to bring some justice to this, and to really modify some of the concerns and the fears that were expressed by the people we serve. I want to recommend that this legislation goes to a joint select committee, so that some of the stakeholders that Sen. Dr. Singh would have presented, some of them would have the opportunity to influence this legislation to make it something better, to make it something that we can actually use rather than just saying that we have a dog control legislation. The legislation cannot work on its own. We have to put the necessary infrastructure and work alongside the people that can help us achieve our objectives.

So, Mr. President, those are my very few words. This is my contribution. Remember Tobago in all that you do. Trinidad is not a country, Tobago is not a country either; we are a twin-island State. [Desk thumping] Trinidad and Tobago, whenever you come up with any legislation, any plan, any idea, think about Tobago, do not wait until 2015, three months before an election to think about Tobago. We are a part of you, we are not going anywhere. Yeah.

Mr. President, with those few words, I thank you. [Desk thumping]

10.45 p.m.

Sen. Foster Cummings: Thank you, Mr. President. Thank you, Senators, for this opportunity to join in this debate tonight. I assure you that I will not be very long.

Hon. Senator: Excellent start!

Sen. F. Cummings: I want to start, of course, by saying thank you to the Leader of the Opposition for the opportunity to serve.

Sen. Ramlogan SC: You will be back, man; do not grovel to them.

Sen. F. Cummings: Mr. President, the impression is being given in this debate that the PNM somehow does not recognize that this matter is of grave concern to a lot of citizens, and does not understand the hurt and the pain experienced by some of the families that have suffered as a result of these attacks. [Crosstalk] I want to say
that one of the victims, Denise Rackal, of Indian Trail Village in Couva, I knew personally—her family, her husband, who is Lionel Rackal, they had two kids. So that when Denise Rackal was killed by two or three pit bulls in Edinburgh 500—a security guard—it was something that touched me personally. And her husband did visit, and in trying to have a discussion with me, he broke down in tears. So it is not that we do not understand, but that we want to ensure there is good legislation in place.

Sen. Ramlogan SC: “One more vote for we, boy!”

Sen. F. Cummings: When we decide, we want to ensure—[Interruption]

Sen. Ramlogan SC: When the husband broke down, what did he say about the dog? [Laughter]

Sen. F. Cummings:—that there is good legislation in place, Mr. AG. [Crosstalk] If this Government is not prepared to pass good legislation, we will. [Desk thumping]

Mr. President, the American Society for the Prevention of Cruelty to Animals, ASPCA, speaks about a focus on breed neutral legislation. A lot of research in many jurisdictions point to legislation that is not breed-specific.

Sen. Ramlogan SC: Like where?

Sen. F. Cummings: I will just point out some of the points. America, that is what I am referring to now. [Crosstalk] I started with that. [Laughter] If you want me to stay an hour, I will. [Laughter]

Sen. Ramlogan SC: Nice one; nice one. [Laughter]

Sen. F. Cummings: I have a lot of paper here.

The ASPCA views breed neutral dangerous dogs/reckless owner laws as a smart alternative to breed-specific legislation. We have heard from Sen. Dr. Singh what the position is as it relates to the vets and what they have suggested. I want to suggest to the Attorney General that in terms of the Schedule, that we do not restrict it to only the dogs that are indicated here. Because what are we saying, that we have to wait until a class B dog exhibits some sort of aggression, before it falls under the legislation?

So if a Rottweiler or a mastiff or a husky or a German shepherd or a Dobermann bites some child in the community, that we have to wait on that before we can have these dogs classified as class A dogs? Is it that we are putting legislation—should we change the name of the Bill to the Pit Bull Control Bill?
We have to craft legislation that will be able to cover, not only situations that exist today and not only to treat with the anxieties of the public, but we have to craft legislation that will be able to treat with all situations that may arise. Preventative rather than reactive.

Therefore, I would want to ask the Attorney General to please pay attention to looking at the Schedule and whether we cannot find some sort of compromise position with what was suggested earlier on by Sen. Dr. Singh, in terms of how we come about with classifying these class A dogs.

It is usual for the Government to want to respond to a public outcry, and many of the speakers on the Government side spoke about consultation and how much the Government went out of its way to consult with the various stakeholders. But when I look at, at least two instances, or three, in one case where the vets are concerned, even though there was consultation, many of the recommendations that were put forward by the vets, I am not seeing the Government taking those things into consideration in a meaningful way. So even though there has been consultation, it is as though even after the consultation the Government’s agenda still remains unchanged, and that is what we are seeing here, and really, that is not meaningful consultation. [Desk thumping]

If I am to go back to a point raised earlier by Sen. Al-Rawi in terms of the Bill requiring a three-fifths certification, because it touches—and many of the speakers earlier on touched on that—[Interruption]

Sen. Ramlogan SC: Everybody!

Sen. F. Cummings:—I would really hope that the Attorney General in his wrapping up would pay attention to those concerns.

Sen. Al-Rawi: Do not treat us like the consultation process.

Sen. F. Cummings: We know that because the Government knows that they have a majority, they would seek to pass legislation whether or not they have the support of the other Members of the House, because “We have a majority, so we do what we want”. We hope that we will not see—because this Government is talking about constitutional amendments. This Government is talking about constitutional change. This Government is talking about proportional representation, and one would hope that this Government would not come to the House to pass proportional representation by a simple majority. Not because you have a majority means that you do not try to find consensus. [Desk thumping and crosstalk]
Mr. President, Sen. Dr. Singh has made several recommendations, a lot of which I found made a lot of sense. [ Interruption] Sen. Dr. Singh on the Independent Bench. [Crosstalk and laughter]

Sen. Ramlogan SC: “Why you always putting down Avinash like that?”

Sen. F. Cummings: Mr. President, let me just say, in relation to the insurance, remember that in the legislation the owner of the dog will have to register the dog before he can get the insurance. What happens in a case of a class B dog, or a dog that is not in any category for that matter, who injures someone, is not covered by any insurance—how is the victim of such an incident going to be compensated? Because you first have to wait for the class B dog to display aggression, bite the neighbour’s child, then you go and report to the local authority that this Rottweiler is biting children in the village, so “We will like to get this Rottweiler categorized as class A”, and then you register and then you go to get insurance. So you are leaving a loophole where other dogs, other than pit bulls, can attack people, cause injury and there is no redress, and we can correct that at this stage.

I ask the Attorney General to please pay attention to this matter, because the next thing you know we will be back here trying to fix the errors of our ways, because we tried to put a quick fix on the population. We tried to put a quick fix to fix pit bulls, because the pit bull is what is making the news at this point in time, and to fix that would cause us to score some points. We have to do better than that. [Desk thumping and crosstalk]

Mr. President, as I continue, and I will take my time now. [Crosstalk] In the 2000 legislation there was some reference to prohibition on ownership and importation, and that was dropped in the subsequent legislation. Earlier on, one speaker referred to dogs coming in illegally through our porous borders, and I would want, of course, to suggest as well that we look at paying some attention to the importation of some of these dangerous dogs, and how we control that. I was quite surprised to hear that there is a population of over 500,000 of the dogs that we are looking at. That is an alarming number. I do not know how the figure was arrived at, but it really is a very alarming number, to know that there are half a million pit bulls in Trinidad and Tobago. It is very, very alarming.

Hon. Senator: I wonder how they will vote. [Laughter]

Sen. F. Cummings: Since some speakers choose to blame the PNM for everything, and all the incidents that occurred “is some PNM dog out there biting everybody”, [Laughter] then we seem to have a lot of PNM in Trinidad and Tobago. [Crosstalk]
Mr. President, I had mentioned earlier, and I would really hope—I saw the Attorney General taking some notes, and I am hoping he is taking some notes on the points pertaining to the breed-specific legislation, because after so many speakers have pointed to this issue as a flaw in the legislation, it would really be unfortunate if no attention is paid to making some change in that regard, because it falls to the heart of the legislation. If we do not get this right, then we do not get anything right. Really, at some point, the Government needs to take a step back and look at all the research. There is an abundance of information available and, really to ignore this would really be to our detriment. [Desk thumping]

11.00 p.m.

A lot of the points I had intended to raise, Mr. President, were raised earlier on and I would not want to repeat a lot of the things that were said earlier on, but I am hoping that the Attorney General sticks to his promise that he made when this Act was passed, to take on board and to seriously take on board the concerns raised by stakeholders, the concerns raised by Senators on the Opposition Bench and the concerns raised by Senators on the Independent Bench. At some point in our crafting legislation, we have to look past scoring points, scoring cheap political points and look at making good laws for the people of Trinidad and Tobago. [Desk thumping]

So, Mr. President, in conclusion, I would like to reiterate—[Interruption] I am ignoring the—[Interruption]

Hon. Senator: The barks.

Sen. F. Cummings: Yes, and paying attention to what I came here to do, because I can easily slip into the other political kind of behaviour, but it is important because the country is looking at us. While we may think that it is 11.00 o’clock and a number of people may not be paying attention, the country is looking at politicians, looking at the Senators, looking at the Members of the Lower House and paying attention to how we conduct our business.

So, Mr. President, for the benefit of all those who have been affected by vicious attacks by these animals; for the benefit of all those who may be attacked in the future, we have to make sure that the legislation that we are putting in place today would not only be a PR stunt, but will be effective legislation that could prevent future attacks.

With these few words, I thank you, Mr. President. [Desk thumping]

Sen. Dr. Rolph Balgobin: Thank you, Mr. President, for allowing me to just make a very short set of observations about these amendments.

Before I could get any further I want to congratulate again the Senators who have contributed, and in particular to welcome Senators Young and Cummings who have made sterling contributions to our discussions here today. [Desk thumping] I looked at this and I have not been able to shake the feeling that we are somehow or the other not confronting that question, perhaps, as directly as we might, and my own sense of things is that it is in need of a three-fifths majority, and I wonder whether that cannot be taken into account even at this stage because, again, of the interference with property rights that it foists on people.

The other observation that I would make, having spent some time here now, is that this strikes me as one of those bits of legislation which would benefit significantly from pre-legislative scrutiny, and I wonder when, Mr. President, we would get to that place where, instead of having such contentious discussions about things, the majority of which we agree on, when we will get to a place where as a Senate we can consider some of these pieces of legislation before hand and iron out some of the kinks. I think it would make for a much more effective use of parliamentary time, but also I think, contribute to a more consensual atmosphere, not just in here, because the rest of society, I think, takes a beat, takes a step from how we engage with each other in here. So, I do not think it would be amiss for us to continue to consider, and perhaps, consider more actively whether things like these cannot be put forward for a general engagement before the imbroglio of the debate begins.

I chose to speak very late because I wanted to hear the ebb and flow of the discourse, and I asked myself while this whole debate was playing out, what is this thing really about, and the question I had in considering this and in listening to people speak, is, what do things like bullying, robbery, kidnapping, pedophilia, shooting and dangerous driving have in common? And it occurred to me that I could add to that list, “dog bites”, as one of the elements or the features of our life in this society today that gives us a reason to keep our children off our streets.

Now, Cat Stehens, the musician, had a very interesting observation, in this regard when he said, or he sang rather.

“(I know we) have come a long way, (we) are changing day to day
but tell me, where would the children play?”
It seems to me that in this engagement that we have become so fixated on the injuries that dogs inflict on people and on the characteristics of dogs and whether we should ban the breed or look at the phenotype of a dog, and we have not taken sufficient account of the fact that the fear of being mauled, the fear of being bitten keeps a lot of our children off our streets and we want them on the streets, because that is how communities are formed, by neighbours engaging neighbours, and instead we retreat behind our high walls, we close our electric gates and we do not talk to each other anymore. Our children are growing inside our houses. There is no empirical evidence to support what I am saying, but there is clinical evidence to support the argument that shortsightedness is caused by spending too much time indoors.

I wonder whether you are not seeing a rash of shortsightedness in Trinidad today. I wonder whether it is, in fact, that our children are spending more and more time indoors because we as parents do not feel comfortable and safe to let them go outside. So, yes, we can say that Minister Griffith has a whole bunch of work to do to make children feel safe, but it is not just that. I am a parent and I feel very concerned about my children outside if there are bad dogs running around the place. So, if I ask myself again, what is this legislation and what are these amendments about? It is really to repair a significant mischief that has eaten away at our enjoyment of life in our society.

So, several aspects of this debate, to my mind, are very worthy of consideration and I would not want to take away from any of them, but a few of them have left me confused. So, I am hoping, perhaps, in the committee stage that we can clarify some of these things, but there is a significant mismatch for me in some of what I heard and what I thought I read, or what I thought I understood from the legislation on the books and what is contemplated now.

If I look at section 9(3), for example, the issue of whether a class B dog has to bite somebody before it requires insurance and requires care and so on, is an issue that has come up not just in this legislation but in a number of legislative framework. For example, the British law on dangerous dogs or even the Tasmanian, even the New Zealand law—and I thought that section 9(3) sort of addressed that quite explicitly when it said that you have to keep your dog under control, which, actually is ex ante and not ex post as one might say.

Again, I heard the observation made that we ought to emphasize ownership and we ought to try to ensure that owners are held responsible, but if I look at section 19 I thought that is what it said. So, again, I was not sure if we were
making points or if we were really talking about what is in the legislation and what is being proposed in the legislation. Now that is not to take away from the very many excellent points that have been made. I am just trying to bring it back and root it in what is on the books, and what we have here to treat with, because 19 is quite clear.

Then, of course, the observation I would make on section 20, really refutes this argument that a dog is not necessarily a dangerous animal. Well, you know, dogs I suppose are like people, all living things may have moods, and the thing is when I am in a bad mood I may be harmless, when a pit bull is in a bad mood, well, probably not. And section 20 speaks clearly to a weaponized animal, to the use of a dog as a weapon—either as a means of protection, but not a shield, it is still a sword. It is a sword used as protection or, in the case of a law enforcement officer it is a sword used in aggression in order to protect people or property, presumably, which is, of course, part of what law enforcement officers do.

So, I do not subscribe to the view that dogs are naturally passive. I do not think that is the history of dogs, and if one looks at where dogs came from, I do not think they all evolved from pompeks, so, okay, fine. Having said that, I agree fully with the arguments that characteristics are better; we should focus on things like ownership and possession as many other legislative frameworks have done. But I thought that in the law that we have on the books and even with the changes that we are making now, some of that is addressed. So, there are many other things to iron out, I will just give you an example in section 14. I was not quite sure when we say that a person who has a class A dog shall keep that dog under control in his enclosed premises, what that means. If I am an estate owner and I live on 10 acres of land, does it mean that I have to fence the 10 acres? Because that is expensive.

So, that I suppose is one of the things that bears running through and there are many, many others like this, but I think that we have an opportunity here to work together and working together means that we are trying to fix a piece of legislation which obviously is not perfect and perhaps even the fixes are not perfect. Let us sit together and work them through and see how we can make the thing better and press ahead. But, I would like to hear, perhaps, in the Attorney General’s winding up if he would be so kind, what is the view with regard to a three-fifths majority? Whether there is not scope, perhaps, for us instead of trying to fix this in committee where I suspect we will have another debate which has been our wont in situations past, whether in fact it may not benefit from us taking this away and sending it somewhere and getting it fixed, cleaned up and brought
back here so that we can all pass something that we and the country can be collectively proud of, instead of passing something that we know is a bit short of, or shy of the mark.

Mr. President, those are my few observations, I will save the rest for committee. Thank you.

11.15 p.m.

Mr. President: The Attorney General. [Desk thumping]

The Attorney General (Sen. The Hon. Anand Ramlogan SC): Thank you very much, Mr. President. Mr. President, it was a pleasure to listen to the contributions made by all my colleagues in the Senate today on this interesting piece of legislation. I want to congratulate them on what were some very good contributions that explored a very topical issue that confronts our society.

I think the nucleus of the criticisms or concerns which were voiced about this Bill are rooted in the question of the policy of the Government and the policy of this Bill, and the policy, really, treats with the various options that were open when one is drafting legislation such as this.

This is a breed-specific approach to the question of controlling dangerous dogs, and that is a policy decision the Government took after it considered what were the options that were put forward on the table. The option that has been canvassed today during the course of the debate is to say, “Look, do not go with breed-specific legislation, let us go with legislation that targets all dogs, and from that you derive a subset of dogs that have the potential to be dangerous, or dogs that have a demonstrated propensity to be dangerous.”

Now, the difficulty with that is, firstly, the method and technique that one uses to determine, outside of the breed itself, if a dog has a demonstrated propensity for vicious and dangerous attacks, that is fundamentally flawed anywhere you look at it. One of the things that rings hollow during the course of the debate, however, is the fact that people have spoken theoretically; they have spoken hypothetically in very euphonious tones—[Interruption]

Sen. Al-Rawi: Nice word.

Sen. The Hon. A. Ramlogan SC:—about how this thing will look and how it will sound, but, you know, no one has given and cited a single example of any country anywhere in the world, where what they are proposing has been successfully implemented, to quote and say, “Well, this is what has happened in
country X and they are proud; they are happy and everybody living good.” [Desk thumping] No one! In fact, it is only my colleague, Dr. Singh, when I posed the question about which country in the world had formulated legislation on the basis of the weight of the dog, and the body condition, is it?

**Sen. Dr. Singh:** Yes.

**Sen. The Hon. A. Ramlogan SC:** The body condition. Sorry?

**Sen. Dr. Singh:** Body condition score, but they previously had breed-specific legislation.

**Sen. The Hon. A. Ramlogan SC:** Sure. About the body score. And when I asked, well which country, because I was really interested—I find it a very interesting and novel intellectual concept—he said, well, New Zealand and that the vets in their submission had mentioned one other country.

Well, I did check. The vets, unfortunately, did not cite any country in their submissions and we did check with the New Zealand legislation and, unfortunately, New Zealand, in fact, has breed-specific legislation. That is what they have. So that there was, in fact, during the course of the debate, no country in the world cited by anyone to support the adoption of these hypothetical and theoretical concepts that really sound nice, that really “kinda” border on being rational and creative, but, really, when it comes to practical administration of the law, you run into problems. I will detail this when I go deeper.

But at the onset, I wish to make the point that as a matter of policy, the Government took a deliberate and carefully studied decision to go for breed-specific legislation because when we looked at countries all over the world, we saw that breed-specific legislation is what, in fact, has existed and what continues to exist and what has, in fact, been working imperfectly, but has been working in those societies and countries. And it “eh have no law” you could pass, Mr. President, that will work perfectly and that will be perfect. Nothing! [Desk thumping]

So are we to venture—must we be the Star Trek government to go where no man has gone before, and follow what no other country in the world has actually done, or attempted to do? I think not. That is not the Government’s position.

I heard a lot of talk from my colleague, Sen. Roach and others, about rushed legislation. And, you know, this is something that keeps rearing its ugly head whenever we debate something here. People say about rushed legislation and the Government should find consensus and compromise. What they really want to say is that we should improvise, not compromise, and I will tell you why.
Nothing could be further from the truth about this being rushed legislation. Mr. President, it was in June/July of last year that we passed the Dog Control Act, 2013. I gave an undertaking right here during the committee stage, and I said we will not proclaim this law because we want to hear from our colleagues, and I made note of all the contributions and I said I will take on board the suggestions which came out during the course of that debate. [Desk thumping]

So that was in June, July, August, September. Listen, I also said—I made an invitation. I implored, beseeched and begged my colleagues. I said, “I would like you all to forward to me, by email, what your recommendations and suggestions are, so that nobody could say when we do bring legislation, yuh rush it.”

So, June, July, August, September, October, November, December, January, February, March; a grandmother, 82 years old, mauled to death in the meantime, but we must say that we rush it. Well, if eight and nine months waiting to bring back legislation, having heard from only a couple of my colleagues, excluding anyone from the Opposition Bench—and I want to say this publicly for the record because the kind of political hypocrisy that I hear sometimes, I must expose it. [Desk thumping]

**Hon. Senator:** Well said.

**Sen. The Hon. A. Ramlogan SC:** When people say that we must all work together and we must work together so we could—you know, not because you have a majority mean you must rush legislation, nothing could be further from the truth. The Government extended an open invitation with open arms, and I said to my colleagues, “Please”—

**Hon. Senator:** “Faris eh send one.”


**Sen. Dr. Singh:** Just to correct, it was not New Zealand I wanted to refer to; it is Australia and it was a suggestion by the TTVA. There is a paper called The Dangerous Dogs, a Sensible Solution by the Australian Veterinary Association Limited, 2012, page 15, where they have identification and control of potential dogs.

**Sen. The Hon. A. Ramlogan SC:** Anything from Australia—

**Sen. Dr. Singh:** It is the law by territory.
Sen. The Hon. A. Ramlogan SC: I see. Well, that is different. That is fine, okay.

Sen. Dr. Singh: Because in Australia it is by territory that they have the laws.

Sen. The Hon. A. Ramlogan SC: Well, I am grateful for the correction, but I checked New Zealand because that is what the goodly Senator said, in response to my query. But I will go and check which territory in Australia, maybe it is Queensland, I do not know. But I will check. But I am not saying that you are wrong. I am grateful for the clarification.

But the point is—to return to the point—having extended an invitation to the Opposition—because the Independent Senators, I got responses from those who were so motivated and inspired. I got their suggestions. But the Opposition, in the intervening period, I got nothing from them. You remind them, you hear nothing, and then you come today with legislation, after you have invited them to make their suggestions, and then they tell you, “Well, you know, bad law. Listen to us. Give us an opportunity to be consulted, to be heard”. Then they tell you, “Well, we have about 101 amendments to propose in committee stage. Take this back.”

“Let meh tell yuh something.” I am not easily intimidated by that kind of foolishness and I will not stand for it. [Desk thumping] If in eight months you could not find the time on an important matter like this, when the PNM failed the country to bring any dangerous dog legislation, and they failed the country to address that but they want to come here now and play politics, no, I will not stand for that. You must beg them to get a suggestion. Eight months, not a word, not a beep! And after waiting for eight months, you have the unmitigated temerity and gall to come here and accuse the Government of bringing rushed legislation and not consulting you? That is madness!

Sen. George: “It didn’ ha no camera.”

Sen. The Hon. A. Ramlogan SC: That is the point. They have no camera to pander to, to send an email with your suggestions. [Crosstalk] And I must fall prey to their political conspiracy to amend the class A schedule to not just target pit bulls, but I must target the other dangerous dogs. They want me to include a Rottweiler so they could remove a political leader by default so that they could then install themselves and have a new political leader. [Desk thumping]

Hon. Senator: And a pompek.

Sen. Al-Rawi: Mr. President—the derogation of a man’s character, as said, [Crosstalk] they, the Opposition, want to do something. That is a horrible unparliamentary remark, Mr. President.
Mr. President: I will ask the Attorney General to withdraw the remark.

Sen. Al-Rawi: They are ridiculous!

Sen. The Hon. A. Ramlogan SC: Withdrawn. And I want to just clarify, though, I am withdrawing it because I meant no offence. I meant no offence, Mr. President, and I withdraw it. I meant no offence to the jurisdiction of Australia that I had in mind when I was speaking.

Sen. Lambert: That was publicly said in St. James—publicly said in St. James—Rottweiler. I was there. [Laughter]

Sen. The Hon. A. Ramlogan SC: Mr. President, the issue here is, do we go with breed-specific or non breed-specific. That is the issue. Now, among the points made—before I get to them in detail, I suppose I should address the question of the constitutionality, and I will come to that in due course. But permit me to deal with the overriding and the overarching concern of whether it should be breed-specific or non breed-specific.

What are the options? The first one is to go by the weight of the dog. They suggest 25 kilograms and below. We have already examined that and said, “Well, look, man could starve their dog; man could train their dog to just be lean, mean and muscular and just make the cut below.” They will be lean, mean killing machines. But also, it brings a lot of dogs who are over the weight limit into the restrictions that we impose, and you know, you have collies like—you have “lassie”, you have golden retrievers, Irish Setters. All sorts of dogs that have demonstrated no propensity to be violent or vicious will now be subject to this legislation.

Then you have, of course, the—I mean, you see it for example in boxing and so on, when people want to go to a different division—lightweight, heavyweight and so on—you can lose weight easily.

Now, I have not found in my research any country in the world that has adopted that approach. I am told that there is a territory in Australia, and that is the lone example in the entire planet earth. On this globe, we have come up with one place, which is a territory in Australia. That is on the column on the right. On the column on the left, I have countries—Canada. I have countries from all over the world that have had this for over three decades in some cases and they are working it. Am I to just go the route of Australia, as the lone example? That is not the Government’s policy position for now. I am not saying it is wrong. I am not saying it is bad, but that is the position we choose to take.
Now, the other option is the bite force option. They say you can categorize the
dog as dangerous or non-dangerous based on the bite force potential. Now, “yuh
know what? Everybody go ha tuh get, like yuh know long time they used tuh ha
dem scale in yuh house when dey cooking an ting in de kitchen to measure, becor
yuh cookin according tuh de recipe book. Well, everybody go ha tuh ha one ah
dem—de instrument to measure de bite force ah de dog.”

But more than that—[ Interruption ]

Hon. Senator: New industry.

Sen. The Hon. A. Ramlogan SC: It is a new industry. But more than that, the
learning on bite force potential, Mr. President, is totally at odds with what is being
suggested. This is what Dr. Polsky had to say, a respected international animal
behaviour expert.

11.30 p.m.

He said:

“Dog bite force or pressure (force per unit area) of a dog’s bite when full
closure of the mouth is made may be useful information to have in some dog
bite cases.

Frequently various accounts about dog bite force are made from experts
stating, for example, that the bite force of a pit bull is in excess of 1500 psi,
and pit bulls have the ability to shatter the femur of a cow with a single bite.”

He says:

“Dogs with oversized jaw muscles should exert more pressure when they bite
because an animal’s bite force is largely determined by the size of the jaw
muscles. However, the exact dog bite force exerted is difficult to determine,
and is not known scientifically…”

Listen carefully you know, a PhD man. He says:

“…the exact dog bite force exerted is difficult to determine, and is not known
scientifically, despite what”—any other expert may—“claim. No reliable data
exist validating the maximum bite force in any breed of dog, including pit
bulls. It is easy to understand why: One cannot stimulate (for the purpose of
calibrating maximum bite force in a laboratory) the real-life situations that
come into play during a dog attack.”
What the man is saying is putting the dog in the lab or in the vet office and say bite now doggie, bite hard! [Laughter] That just does not give you the bite force potential of the dog. [Desk thumping] “It doh wok so.” That is what the man is saying here. He says because in real life situations during a dog attack, it is a different kind of thing taking place.

He said:

“At any given moment, for example, many variables affect the force with which a dog will bite a person: the dog’s motivation at the time of the attack, head and jaw size, medical conditions, the condition and size of the teeth, past training and experience, victim behavior and victim familiarity. Moreover, nothing is known about the dog bite force which correlates with the”—various—“kinds of injuries caused by dog bites, (e.g laceration puncture, crushing type of injury).”

I am still quoting.

“In the only systematic survey found in literature examining bite force in dogs, the authors concluded that the behavior variables were probably more important than physical variables in determining maximum bite force.

In short, statements asserting maximum bite force must be treated with caution, and what one reads about…maximum bite force in the larger, more aggressive breeds, may be overstated. Obviously, well muscled, large-size dogs can bite with greater pressure than most breeds, and consequently inflict serious injury to a human. Blunt and crush-type injuries are common, and a dog bite with sufficient force to a person’s neck may be fatal.”

That is the position from one of the world’s leading expert animal behaviourist, and they are saying that there is no precise science on the potential of dog bite force. So I cannot go with that.

As a matter of policy, we decided not to go with that in the same way we decided not to go with the weight and body mass and so on, condition business.

I next come to the genetic option. They say, “Well, you know, take the DNA of the dog.” We are not telling vets how to determine the breed of the dog, you know. If you want to do it by DNA testing, that is a matter for you and your client. But you have to sign that certificate and you must satisfy yourself, and if you feel that by a physical observation that this dog you have a little doubt as to whether it is a pit bull or not, then by all means draw blood and go and do a DNA test. But even then, Mr. President, even then this is what the learning says on this particular issue:
Genotypic determination or DNA profiling eliminates or reduces subjectivity with respect to breed determination. However, an acceptable level or percentage of the genes of a class A dog in any single animal is to be determined. Is it 20 per cent, 10 per cent, 1 per cent or 0.1 per cent? Which one is acceptable?

That is what they asked. This is what the Veterinary Information Network (VIN) News Service had to say in their column: “Dog breed generic tests put to”—rest. I quote:

“In a paper published in the journal Science in 2004, canine geneticist Elaine Ostrander and colleagues described a technique they developed for identifying dog breeds based on generic markers. Ostrander, who currently works at the National Human Genome Research Institute, part of the National Institutes of Health, described the approach, along with her broader work on the canine genome, in an article published in…”—the—“American Scientist.”

And I quote from that article:

“The markers the researchers used are not genes themselves, but repeating sequences of DNA known as microsatellites. The commercial tests use a different kind of marker known as single-nucleotide and polymorphisms—abbreviated SNPs and pronounced like ‘snips’”—they—“are small mutations within the genome. Whether using microsatellites or SNPs, the markers, taken together, form signatures particular to each breed.

Because the identification technique is not based on genes, it does not specifically relate to physical or behavioral traits that characterize particular breeds.”

So what are they saying? If you use the gene it is not going to help you as much as we think, because you first said to determine what percentage will crush that notional threshold to want you to say it is a pit bull or a breed of a pit bull. It could be a mixed breed. What do you do? So that that option, as a matter of policy, we did not deem it practical. We could not go with it.

In fact, Mars Veterinary, one of the largest companies in the world that provides these kinds of services, they launched a service for determining the breed of a dog called Wisdom Panel Professional. The service requires the aid of a veterinary surgeon who takes a sample of blood and they send it to the Mars Veterinary company for testing. It cost US $150, which is roughly TT $945, and even then they identified a lot of problems with that breed identification. This is what they said:
Many countries and provinces have bred specific ordinances and laws. Wisdom Panel 2.0 is not intended to be used by regulatory or animal control officials to determine whether a particular breed is legislated or banned in a particular country. It is not intended to be used in any judicial proceedings. It is simply intended to be used as a tool or resource in determining the dog’s genetic history.

So, they themselves are saying that the product they developed—and this is one of the largest companies in the world—is not to be relied upon with any degree of precision. And then you come to Trinidad and Tobago, where people are telling us they cannot identify the breed, they cannot identify the dog in the one breath, and in the second breath they are telling you, well look at people abandoning their pit bull. But how do you know those dogs are pit bull? How do you know those dogs are pit bulls? How do you know the breed of the dog? Let us not fool ourselves, when you go into a vet office—I mean, I am a dog lover myself.

When I took my dog to the vet, firstly—I mean, quite frankly, when I start back owning dogs, I am going to be switching vets because Dr. Singh will be my new vet, and the reason for that is not only because of his obvious competence and commitment to the welfare of animals, but because he is charging $200. “The man I used to carry my dogs by, ah had to walk with a minimum of $500 in meh pocket before ah could enter he door.” So when my colleague, Dr. Singh, says these things cost $200, I want to tell him that, Sir, not many of your colleagues may be as benevolent as you may be in charging fees.

So that the reality for the poor man, if we subject all dogs to this, is that all of them have to find money to go and comply with all these things. You see, everything we say has a cost implication. So when we say do not target pit bulls, target all the other dogs—all dogs we say—it sounds nice, you know. It sounds nice. All dogs must register, all dogs must be tested to determine if they are dangerous or not, but where will the poor people be getting the money to do that? Do you know what will happen? The same population they are talking about that they are stray and people abandoning dogs, people will not own dogs, they will just give them up. Owning dogs, if we implement some of the proposals, will become an elitist activity. It is only people who could afford to take the dog to the vet, to build a high fence, to take out insurance, to register, to license, only a certain class of persons in our country will be able to afford that. So what happens to the village “pot-hound”? He will become extinct? What happens to the ordinary golden retriever, the little dustbin terrier? What happens to them?
You see, Mr. President, in—[Interruption]

Hon. Senator: Chinese restaurant.

Sen. The Hon. A. Ramlogan SC: Yes, they may very well land in some restaurant. Another problem—in some countries they say another model for the legislation, “punish the deed and not the breed”. That is another policy option open to the Government, to punish the deed and not the breed. We have considered everything that has been said very carefully, but a great deal of it was considered before we came here. It is not as rushed as some people would have us believe. But when you say punish the deed and not the breed, the problem with that is this. It is reactive legislation, meaning that you must punish the deed. Well, you cannot punish a deed before the deed happens. The event must occur. It is an ex post facto approach to the lawmaking. It means that the dog must commit a bad deed and then you punish the deed not the breed. So the dog must bite up your child first and then we must say, “Ha, ha, ha, ha, bad doggie, we will punish you now”. That is what they are suggesting in respect of the pit bulls.

We say, we have identified—[Interruption]

Sen. Al-Rawi: Nobody said those words.

Sen. Cudjoe: Nobody said that.

Sen. The Hon. A. Ramlogan SC: We are saying we have identified a problem—[Crosstalk] I think I am hearing a lot of noise from the other side, Mr. President, which I will ignore by addressing you. But the point is, to punish the deed and not the breed is not a solution, and it is not a legislative model or option that we could have considered.

Now, we then come—[Interruption]

Sen. Dr. Singh: Attorney General, just to clarify. With organizations that pushed for the “punish the deed not the breed”. The deed does not refer to the dog biting, the deed refers to poor care for the dog and irresponsible ownership, not the act of biting. So that statement is to prevent the dog reaching the stage of even biting someone. It is not after the bite, it is long before the bite. It is before the dog even becomes aggressive to impart a bite to someone.

Sen. The Hon. A. Ramlogan SC: It also means—because I have received submissions to that effect. In some people’s mind it also means punish the deed as I have explained it. But I will deal with that point as you have raised it, Dr. Singh. The point is this. I eh have no fundamental disagreement with a lot of what was said, you know. I mean, I do not disagree with the point you have just made.
It will be wonderful if we could monitor and evaluate how people treat their animals. But before I do that, I would like to monitor and evaluate how people treat their children. The headline news was a group of school girls punching it out, and the mother of a Form II student crying on television because she said they set upon her daughter like a pack of hounds. I saw that video. It is on YouTube. The child is there. She is a Form II girl in a drain, her head against the concrete and these girls descend upon her and cuffing the child and did not stop. The video is almost eight minutes. That child must have suffered severe physical and emotional injuries.

So that we cannot even monitor and—listen, as a society, we are a maturing developing country. Let us take stock of where we are and not try to make law as though we are astronauts in space. The reality here is we cannot even monitor properly and effectively how people treat their children, but we will manage and monitor and evaluate how they treating their dog? That is our reality. [Desk thumping] I am not saying I disagree with it. It is a laudable and noble objective, but let us think it through. So if I say that punish the deed not the breed, which is long before the dog reaches the stage of wanting to bite people—there are two flaws in that and I say so respectfully. One, it is based on the supposition that the dog itself does not have an inherent bad streak and wild streak in it.

11.45 p.m.

There is a story—my Leader of Government Business reminded me—about the crocodile or the frog that took the scorpion across the river because the scorpion could not swim. He says, “Hop on, I will take you across”. And the alligator or the frog says, “But, no, you might sting me”, and he says, “No, no, I would not do that”. He says, “All right, hop on”. The scorpion hops on the frog’s back, takes him across, and just before he crawls off on the other side of the bank, “he leg go ah sting on him”, and he turns around and asks him, “But, why you do that? I just did an act of kindness”. He says, “I am a scorpion, it is in my nature”.

Sen. G. Singh: It is just in my nature.

Sen. The Hon. A. Ramlogan SC: It is just in my nature. So, the first flaw I see with that argument is that if you treat the dog nicely and you train it nicely and all of that, it eliminates the possibility that there is an inherent, genetic, congenital characteristic in the dog itself, in the make-up and construct of the dog, that the dog cannot simply lunge at someone and bite them and attack them, and that is a risk we cannot take as a Government.
I remember I had a girlfriend and she had a “pompek” and the dog was so attached and close that every time I reach, that dog wanted to rush me and bite me. But, eventually the dog calmed itself, and one day, “we sit down good, good watching ah movie and the dog sit down right dey, everything goin’ good, and I just do so to put meh arm around the gyul, and you know, fly up on top ah meh, on the couch”. [Laughter and crosstalk] But, you see, the point is, the dog—it is innate and inherent in the make-up of the animal, and there are studies that say that the pit bull, in particular, is a dog that has “ah kind ah wild card in he mind. It is ah kind ah snap, it snaps; it has ah kind ah wild card in it”. Now, maybe, some people think that that is not a possibility, but we have to listen to the victims, and we have to accept that that is a trend of thought.

I want to say this: the assumption that all of the pit bulls that have attacked children and so on in this country were badly treated is fundamentally wrong, eh. I know some of the people, who were the owners of those dogs, and from the time that dog born, that dog is going by the vet, and that dog has been well-cared for. Not any bad treatment and ill-treatment, the dog is like a member of the family, and that did not stop the dog from attacking the very child in the family. So that this argument that, you know, punish the deed and not the breed, let us look at how people treat their dogs, well, “I eh too buying it yuh know”, because I know of situations in this country where the owners treated their dogs extremely well from birth, and it did not prevent the attack sometimes on their own children. I think Sen. Dr. Singh even referred to one about an autistic child. Was it?

**Sen. Dr. Singh:** Yeah, but just to ask a question.

**Sen. The Hon. A. Ramlogan SC:** No, no, I was not asking you anything.

**Sen. Dr. Singh:** No, what I would like to ask—[Interruption]

**Sen. The Hon. A. Ramlogan SC:** Oh, you want to ask.

**Sen. Dr. Singh:** Just to ask one question that you could probably elaborate, I did not get a chance to say it. In all these countries that have breed-specific legislation currently, have we looked at the number of those countries that are now repealing the Act and removing the Act? We are quoting that they have it and we are quoting what they do not have, but they are in the stages of repealing the Act. There are documents that state that the Act has failed and we need to not put an Act here that we intend to fail.
Sen. The Hon. A. Ramlogan SC: Sure, no problem. Sir, I want to tell you that in those countries, we did consider that. Do you know what it shows? It shows that everybody keeps talking the same talk, but they are not removing that law. Because you know why? There is no perfect solution and the alternatives are fundamentally flawed. Everybody talking—what he said is correct.

In fact, in England, [Crosstalk] yeah—they drafted it, and they have it there a long time waiting, and but even so, there are countries that have had this law for 30 years plus. Listen, is it working perfectly? No, no law does, but the reality is, it is there and they are using it. And what I can tell you—and I will come to it—is that in countries that have implemented the law, there is a body of work that suggests it is working well and protecting the public based on the reduction in the number of dangerous dog bites. I will come to that because we have the research.

So, Mr. President, let me remind us—we are in extremely good company—countries that have breed-specific legislation. In the following States in the United States are Kansas, Colorado, Miami-Dade County, Florida, Iowa; Kansas; Michigan, Missouri, New York, Rhode Island, Utah, Kentucky; Ohio; West Virginia. Breed-specific legislation in terms of banning: Bermuda, Denmark, Ecuador, Norway, Venezuela, Portugal, Puerto Rico, Romania, Singapore, Spain, Turkey, Ukraine, Germany, France, Ireland, Malta, New Zealand, Poland and the list goes on and on.

In Canada, it is 24 years old, 35 years old and that is the state of play. Are they thinking about repealing it? If you look at the learning, Dr. Singh is totally correct, they have been, but they have been thinking about doing that now for 20 years and they will continue thinking about it for the next 20 years. Now, you know, what we are suggesting is not so out of the box, you know, it really is not. In the United Kingdom, prosecutions are routinely brought based on the physical characteristics of the dog.

Now, I come next to the question of the constitutionality of the legislation. Now, this is a matter that I had raised very early on at the onset. Now, these are amendments to an Act and the Act was, in fact, passed with a special majority. The first section that gave rise to that consideration was the reversal of the burden of proof. The reversal of the burden of proof was a stark example of why that Act required a special majority, but we are not interfering with that here in any of the amendments.

The second one had to do with the enjoyment of property without due process, but that is, in fact, dealt with in section 8—the obligation to give up the dog for the dog to be destroyed and so on—and that was passed with a special majority.
Section 9(3) allows the constable to enter your property but the constable, in section 9, is entering for the express purpose of seeing whether you comply with the requirements to get the licence—the fencing requirement and so forth—and the idea there is that the constable is not actually entering without a search warrant.

If you apply to license your dog, there is an implied permission and consent on your part when he comes because—[Crosstalk] well, hold on, I think it is more than enough—when he comes, he does not come and if you are not home, he barges in, you know—no, no. When the police officer comes with the local government rep, he will ring the doorbell, and you have to let him into your house, show him your fence, carry him to the back to show him the fence and so on. So there is no question of entering without a thing.

Hon. Senator: If it is a minor.

Sen. The Hon. A. Ramlogan SC: He said if it is a minor. Really?

Hon. Senator: As has happened many times before.

Sen. The Hon. A. Ramlogan SC: Yeah, all right. Well, you know, when the time comes and that happens, we could come back to—listen, this is not going to be cast in stone for the rest of our lives. If that presents a problem, we will come back—if the minor lets in the police and them to check the place. [Crosstalk] But I dare say that is very highly unlikely because they will make an appointment and so on and they will come. So that the sections that concern the amendments here today really do not trigger the kind of constitutional concerns that would have arisen quite properly and legitimately on the Bill that was debated and passed with a special majority. [Crosstalk] No, we have already passed the law with a special majority that deals with taking back the dog and so on. Those things are in the 2013 Act which was passed with a special majority. These are amendments.

Mr. President, we come now to the question of some of the matters raised. The first issue raised was whether—yes, I think Sen. Al-Rawi made the point—we can have a class, a second tier, in the schedule for dogs that are not just dangerous but dogs that have demonstrated a propensity to be dangerous, and you have to then register and license those dogs.

Now, it sounds like a very attractive idea to be quite frank, but the difficulty with it, again, is in the practical side of things, because, you know, to use the example of the “pompek” I just gave. “When you break up with yuh girlfriend, you go and make a report that she harbouring a dangerous animal?” So every
neighbour who has a vendetta, the neighbour goes and reports to the local authority, they have—[Crosstalk] no, because it is breed-specific. So the neighbour says, “Well, you know that pot hound that dem have dey, look, what it do? Bite away meh fence and nearly attack meh chirn.” And then when the local authority goes and they consult the person, the person says, “Listen, the children does play, the dog is ah playful dog, they does always kick dey ball over on my side and when the dog see dem playing now, the dog does geh ah little excited” and so on, and that is the state of play.

You have two different versions of what transpired there. What then happens at that point? We will have to set up a courthouse in every municipal corporation to decide who to believe and if the dog demonstrated a propensity to be dangerous. When the lady say, “Listen, this man made romantic overtures towards me, I rejected them and therefore he coming now to report my dog”. What do you do? When she say, “He using the dog as ah excuse for sexual harassment”. What do you do? So, you know, it sounds attractive but when it comes to the practical administration of the thing, I say let us give it a little more thought.

And look, when we revisit this, because obviously, it is when we implement law for the first time, teething problems will arise and you will have to come back and revisit it. I took on board Sen. Mahabir’s point totally that the pit bull could be replaced by another dangerous dog, and that is why the Schedule is capable of being amended by the Minister. But, when that occurs, we will deal with that as and when that issue arises but, for now, we have a pressing urgent problem in front of our eyes, underneath our nose, which is the pit bull.

Hon. Senator: People getting bite!

Sen. The Hon. A. Ramlogan SC: People getting bite and they are being killed.

Then, the second point was “person in the service of the State” and, of course, they used—[Interruption]


Sen. The Hon. A. Ramlogan SC: Yes. My learned friend was quick to pounce on SIS which got a lot of work under the PNM but apparently was not demonized under the PNM. [Crosstalk] No, no, of course, it was under the PNM. e TecK gave SIS a contract of close to $300 million under the PNM. [Crosstalk] Three hundred million dollars and nobody in the PNM demonized SIS, so I do not know. [Crosstalk] And then my learned friend said “they asked them to buy bus”, I do not know about that. [Continuous crosstalk]
Now, Mr. President, a person in the service of the State does not mean an independent contractor, it means a person in the direct employ of the State, and a person who has to have a dog in connection with the execution and performance of their duties. It means the police in the canine unit. “Yuh follow?” And that much is clear from the language and it is very clear from the intent and purpose of the Act, so I really do not see that as a meritorious point at all. That refers to people who, as part in connection with the performance of their duties, have to use a dog. That is what it means.

Now, I heard my learned friend—a man for whom I have a tremendous amount of respect—Dr. Singh. Dr. Singh has been doing some fantastic social work in this country for which I want to singularly pay tribute and applaud him. [Desk thumping]

12.00 midnight

He is an outstanding and model citizen just for the kind—forget his contribution today—of social work that he has been doing. I will come to the contribution, “I eh saying it bad; doh worry with dem fellas dem”. But for the kind of work that he has been doing, he has really, really—it has really been outstanding. And I have been following the work. Now, in terms of the contribution today, it was a very interesting and solid intellectual contribution and it is unfortunate we may have a divergence of opinion on some of the issues raised, but not many of them because I agreed with a lot of what he had to say. But, you see, the thing is we cannot bury our head in the sand too. I mean, I heard you, for example, mention an ad there in the Ministry of Communications, about the type of dog they put, and so on. You know, the truth of the matter is this, eh, whilst we are talking about that, we cannot stop the video with the grandmother going viral. Somebody put that out there and that video shows you, in gory detail, the dog literally plunging and murdering, before your very eyes, in the most bloody, horrific manner, a grandmother. It is—I mean, I could not watch it out but it is there.

Mr. President: Attorney General. The speaking time of the hon. Attorney General has expired.

Motion made: That the hon. Member’s speaking time be extended by 15 minutes. [Hon. G. Singh]

Question put and agreed to.

Mr. President: Attorney General.
Sen. The Hon. A. Ramlogan SC: Thank you very much, Mr. President. [Desk thumping] Now, Sen. Dr. Singh made a point that one or two of the kennel clubs that we used did not, in fact, have some of the breed standards. And I think we recognized that point when we were drafting and that is why they included, in fact, several kennel clubs, to ensure that there will be at least one breed standard from a kennel club, to deal with each class of class A dogs.

Now, I think Sen. Dr. Mahabir made the suggestion really, I mean I use the term, the “rumshop talk” is that: a pit bull is a poor man’s gun. And I think you took it somewhat literally by suggesting that if the dog runs out and kills somebody, well you know, you should charge them for murder or manslaughter. Is that not so?

Sen. Dr. Mahabir: Yes.

Sen. The Hon. A. Ramlogan SC: Yeah. Now, “ah” mean, it—again it is a very innovative idea but for now, [Laughter] I am a little hard-pressed to accommodate it at this point in time, Mr. President. It is very draconian having regard to the fact that the dog can—you know, there may be no malice aforethought and intention, as it were, on the part of the owner. It could really—it could pose a challenge. But what I do say, by way of giving you some comfort, Sir, is that in section 19(1), if the:

“…dog injures a person, without reasonable cause…”—it is—“a fine of one hundred thousand dollars and…imprisonment for five years.”

And if it kills, or leads to the death of the person, it is:

“…a fine of two hundred thousand…and…imprisonment for ten years.”

That is a good starting point to work our way up hopefully. But I take on board your point, that, you know, a person has died. One may ask, I mean, in the case of the grandmother, is it that you turn around and charge the grandson or the son? Because, I mean, the pit bull belonged to him, as it was.

And then one point, I think Sen. Singh had made but we did not develop on, was the fact that in 2000, Parliament passed a law banning pit bulls—both Houses of Parliament. That law could have been proclaimed at any point in time. You know, since 2000, that law was awaiting proclamation. People could have stopped buying pit bull and stopped breeding them, if they want because they knew that they did so at their own peril and at their own risk. A law had been passed in this country and could have been proclaimed with the stroke of a pen. You see—no attempt was made under the former administration, to treat with this issue, to proclaim that law or do anything of the sort. And we have come now to deal with it.
Now, the policy position today, of the Opposition—and you see, that is why the invitation, you know, to give us something in writing so we will know what the position is, beforehand, was extended; so you will know. I mean, they complain about the lack of a legislative agenda, and, you know, I think Sen. Dr. Balgobin said a pre-legislating legislation committee and so on. It sounds good, yes, but it is a sword that cuts both ways. And we must accept responsibility both ways as well because I based the legislation that I brought here, taking into account at all material times what my colleagues have to say, including those on the Opposition Bench. And when I listened to what the Leader of the Opposition, who is still the political leader of the People’s National Movement—I want to remind Sen. Al-Rawi that. What he said in the Parliament is this. He said, and I quote:

We are disposed to supporting this Bill totally.

**Hon. Senator:** What date?

**Sen. The Hon. A. Ramlogan SC:**

“…we are disposed to supporting this Bill totally.”

I will give you the date. Friday, June 21, 2013.

“…we are disposed to supporting this Bill totally.”

What was the Bill he was disposed to supporting totally?—breed-specific legislation, which they in fact voted in favour of. So the policy of the Bill that they were totally supporting was breed-specific.

**Sen. Al-Rawi:** We are not objecting to that.

**Sen. The Hon. A. Ramlogan SC:** But you all have—you have spent the whole day today talking about breeds—[Interruption]

**Sen. Al-Rawi:** We are not on breeds. We are talking about proportionality and other things.

**Sen. The Hon. A. Ramlogan SC:** “Nah”, well I think, you know—I think a lot of time has been probably wasted here today then if that is the case. Because I got the distinct impression that they are not supporting this Bill. I do not know, I thought they—the Leader of the Opposition says, on one hand: “we totally” supporting the Bill. I come here, there is a flip-flop and they say: “well we eh supporting. I doh know.”

**Sen. Al-Rawi:** AG, will you?
Sen. The Hon. A. Ramlogan SC: I “doh” know; I “doh” know. Will I support it? Of course, I will. It is our Bill.

Sen. Al-Rawi: Will you give way?

Sen. The Hon. A. Ramlogan SC: No. Because on this matter, I feel cheated and hurt.

Sen. Al-Rawi: You know how many times I gave way to you?

Sen. The Hon. A. Ramlogan SC: “I not in the— when yuh winding up.” But look, insofar as there is any new idea, or any difference in position, that is fine. I think you are entitled to change your mind; no problem there. But the point is I think—you know, had we known beforehand, you see, a little email and so on, we might have been able to—[ Interruption]

Sen. Al-Rawi: “Ah fraid to use email.” [Laughter]

Sen. The Hon. A. Ramlogan SC:—consider it and so on. No, no, no, “yuh musn fraid to use email, man”. I will email you a picture of a sweet potato. Do not worry. You see, Mr. President, I think Sen. Young, whom I would like to congratulate on his maiden contribution today, made the point about the section 10 which deals with the insurance. And he said well look, quite rightly, insurance is based on the principle of indemnification and subrogation, and, basically, you must pay your expenses, and then you go by the insurance company, and then you get your reimbursement.

But let us be frank, that section is copied from the 2010 legislation. I went back to the Hansard to see why it is the Parliament then insisted on that particular wording. And I found some notes in the file, at the office of the Attorney General—because it was not in the Hansard, but the notes I saw gave me the answer to the question. What happened is that if a dog bite you up and you land up in a nursing home, “you is ah poor person; yuh child—yuh lil daughter or so geh bite up and so on, a vicious attack. Way you getting de money from to see bout the child in the first place”. The child could lose her life. You follow?

But if the owner of the dog comes and says: look, this dog is insured; this is the policy. Like you know, sometimes when you go and you present your Admed card and so on, they will take it and they will accept it in good faith and you stand a better chance of the child getting proper treatment. And that was the intention at the time the law was passed. And incidentally, from the file note, it was passed and worded so because, at the time there was consensus on that clause with the Opposition—with the Opposition.
That was the thinking and I think it is an option and I think it is a useful option because it is not a bad idea to have the insurance company pay the medical institution because there may be a situation where, you know, you really cannot afford it, and if they pay it, you might get the kind of treatment you require. I mean, because there are not—look, quite frankly, let us be frank, eh, “yuh car geh in ah accident, you hah to find the money to fix it and then go by the insurance company; it doh wuk out yuh know”. I mean, the only good insurance company is probably Beacon, boy, Gerry.


Sen. The Hon. A. Ramlogan SC: Beacon Insurance. [Laughter]


Sen. The Hon. A. Ramlogan SC: I never had any problems—no I have been with Beacon for over 20 years. They are good. [Desk thumping]


Sen. The Hon. A. Ramlogan SC: Yes. Faris agrees as well. But the point is it is oftentimes a real painful experience to go through—“time yuh finish with depreciation and—I mean dem does ask yuh all kinda question, you know, man. I does geh vex. By the time dem finish, you eh gehing no money.” So I think that is why they put that clause there.

Now, there are, in fact, some offences in the Act that cater for all dogs and I want to remind my colleagues what those offences are. The first one, in section 5(1): prohibition against dogs in public places, a $50,000 penalty. Section 5(3): offence to permit a dog to attack a person or:

“…be dangerously out of control in a public place;”

Fifty thousand dollars and one year—section 5(5). Section 5A, the duty of care to provide adequate shelter, appropriate food:

“…exercise, attention and veterinary care…”—for dogs.

That is there. Section 16(2): failure to train a class B dog, that:

“…has been dangerously out of control on at least one occasion.”

The penalty is $50,000 and one year. And section 20: inciting “a dog to attack”—$50,000 and two years.
So there are sections that have attempted to deal with non class A dogs so that we can at least treat with that concern, that other dogs can be dangerous. But we did not go the full distance by subjecting those dogs to the rigours of the legislation to which the owners of pit bulls would be subject. Because we felt that—look, if we impose these onerous restrictions and conditions on the dog owning public and animal lovers, you may very well end up in a situation where the ownership of the dog becomes an elitist activity, for who could afford it, but more importantly you will have a lot more stray dogs than is anticipated.

Now, with respect to the concerns expressed about the Ministry of the local government bodies and so on, the local government bodies, they are aware of this legislation. We have been meeting with them. They are putting things in place and they are trying to deal with the capacity issues. I cannot stand here glibly and promise that every pit bull that is received by the institutions, if they are not adopted, that they will keep them for the rest “ah dey life”. In fact, the existing law provides, and has been with us for quite some time now, that they have the legal right to “put down” the dog. And that is a right, obviously, they will exercise in appropriate cases.

That is the reality. And that is not just in Trinidad and Tobago. That is all over the world. Or else, we may have to cut back on building schools and buying beds for hospitals, and medication for people, so that we could take care “ah dog”. And we have to understand there is an opportunity cost attached to every single suggestion that comes forward. That is the stark reality and the nature of the thing.

**Sen. Dr. Singh:** AG, if I could say one thing to that?

**Sen. The Hon. A. Ramlogan SC:** Yeah, sure.

**Sen. Dr. Singh:** What I was saying is not that the dog is being kept alive by the shelters. One particular shelter that the Government gave donations to—Animals Alive—their proposal of building 50 kennels with the money and the subjection that this will help control the problem, their policy is non-kill. In fact the Trinidad and Tobago Veterinary Association does not believe, in any way, that a non-kill policy will help this problem. It would actually worsen the problem.

**Sen. The Hon. A. Ramlogan SC:** I am grateful for that clarification and I will, in fact, endeavour to make that point to my colleagues, that if we are in fact supporting an association that has a non-kill policy I agree with you, that will not solve the problem at all. It might, in fact, perpetuate a problem and it is something that we need to look at very carefully. But insofar as the law permits for that, it is
an aspect of the law that no doubt has always been enforced and will now continue to be enforced, so that the dog population will become manageable and we can at least treat with the matter in a sensible way.

So Mr. President, in closing I want to say that, insofar as their proposals that are related to the policy of the legislation, the Government will stand firm on the policy that we have—oh, sorry.

Sen. Ramkhelawan: Thank you for giving way, hon. Attorney General. I just wanted you to put on record, before you wind up, that you are of the firm view that this Bill, the amendment Bill, does not require a special majority.

Sen. The Hon. A. Ramlogan SC: I have looked at this matter and it is a matter that I had raised before and it is a matter that did, in fact, concern me. I think that the original Bill required a constitutional majority and it was so brought and we attained that constitutional majority. I do not think the amendments require a constitutional majority—and that is my view.

In closing, Mr. President, I think that insofar as any amendment comes that touches and concerns the policy position of the Government, I want to signal early on that the Government stands firm in the policy that it has adopted, because I have been through all of the other policy options which were considered by the Government and we agreed and deliberately chose to go with this particular policy option, which is breed-specific and it is in existence all over the world. And with those few words, I beg to move. [Desk thumping]

12.15 a.m.

Question put: That the Bill be read a second time.

Sen. Al-Rawi: Division.

Mr. President: We will have a division.

The Senate divided: Ayes 19 Noes 10

AYES
Singh, Hon. G.
Coudray, Hon. M.
Ramlogan SC, Hon. A.
Howai, Hon. L.
Griffith, Hon. G.
Hadeed, Hon. G.
George, Hon. E.
Tewarie, Hon. Dr. B.
Bharath, Hon. V.
Moheni, Hon. E.
Lambert, J.
Maharaj, Hon. D.
Ramnarine, Hon. K.
Burke, Apb. B.
Mohammed, N.
Ramkhelawan, S.
Prescott SC, E.
Mahabir, Dr. D.
Small, D.

NOES
Al-Rawi, F.
Henry, Dr. L.
Cudjoe, Miss S.
Singh, A.
Cummings, F.
Young, S.
Drayton, H.
Balgebion, Dr. R.
Singh, Dr. K.
Roach, HRI

Question agreed to.

Bill accordingly read a second time.
Sen. The Hon. A. Ramlogan SC: Mr. President, I beg to move that this Bill be committed to a committee of the whole Senate forthwith to be considered clause by clause.

*Question put:* That the Bill be committed to a committee of the whole Senate.

Sen. Al-Rawi: No!

Sen. Cudjoe: Division.

Mr. President: I think the ayes have it. We will conduct a division.

The Senate divided: Ayes 19 Noes 10

AYES
Singh, Hon. G.
Coudray, Hon. M.
Ramlogan SC, Hon. A.
Howai, Hon. L.
Griffith, Hon. G.
Hadeed, Hon. G.
George, Hon. E.
Tewarie, Hon. Dr. B.
Bharath, Hon. V.
Moheni, Hon. E.
Lambert, J.
Maharaj, Hon. D.
Ramnarine, Hon. K.
Burke, Apb. B.
Mohammed, N.
Ramkhalawans, S.
Balgobin, Dr. R.
Prescott SC, E.
Small, D.
NOES
Al-Rawi, F.
Henry, Dr. L.
Cudjoe, Miss S.
Singh, A.
Cummings, F.
Young, S.
Drayton, H.
Mahabir, Dr. D.
Singh, Dr. K.
Roach, HRI

Question agreed to.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clauses 1 to 3.

Question proposed: That clauses 1 to 3 stand part of the Bill.

Sen. Al-Rawi: Mr. Chairman, if I may? On a point of privilege in all sincerity and honesty in this Parliament tonight—[Interruption]

Sen. Maharaj: What is the Standing Order with reference to this?

Sen. Al-Rawi: A point of privilege, I do no need a Standing Order. Go read the book. The fact is that it is 12.24 a.m. I personally have been in Parliament for 13 hours straight. I have six trials in the morning. The judges are not giving way. I personally have 148 comments to make on this Bill. We have several Independent Senators behind me and Opposition Members here and I think it is an abuse of the work of the Parliament to be starting a committee stage at 12.24 a.m. And I am imploring the hon. Attorney General and the Government of Trinidad and Tobago.

I have passed out my marked up copy to the hon. Attorney General, with comments attached to it, all 148 of them. But I am asking the Government, through you, Mr. Chairman, to please act with some responsibility and regard, not only for the passage of laws in Trinidad and Tobago but for the humanity of the people sitting on our Bench.
I am sure I speak for many of us here. Some of the Independents have obviously voted yes to do this in committee stage now but I am asking the Government to consider adjourning this committee stage. We have Private Members Bill coming next. The Government usually truncates that Bill at 4.30. We could easily start the work of this Parliament on the Private Members Day, easily, with some measure of position.

I can only make the plea. It is up to the Government to decide to keep to its undertaking that it has given on several occasions before, but I just put that plea, through you, Mr. Chairman, and I hope to get some positive response.

Mr. Chairman: If I may say this, Senator, in response. I am directed certainly by the decision of this House, which has been voted 19 in favour and 10 against and, therefore, on that basis, I conclude that the House has made the decision, a definitive decision, to proceed in committee.

What I would say relative to your substantive issue is really, in fact, something quite different, which is to say the real heart of the problem is that a large percentage of our Senators are not whole-time Senators and, therefore, it does not constitute their substantive job and hence you have indicated to us that you have a number of matters in a different arena tomorrow. And, really, I, therefore, view it and I wish to express that view just as strongly as you have, that the real heart of the problem is that we fail to have whole-time, substantive parliamentarians to do the job of the House.

Sen. Ramlogan SC: Mr. Chair, not to belabour the point but just to make known the position of the Government. The position of the Government in this regard is that there is a crowded parliamentary agenda. We have numerous Bills standing to be debated. Parliament’s time is precious. The SRC has voted and the Parliament in the other place has accepted a modest increase, which could never compensate for the work and the labour of love that we perform here, but the business of the people, we must get on with it as a Government and we take no pride or joy because we ourselves are overworked and underpaid like everyone else. But at the end of the day, I think by now we must all know that if we do not get on with the Government’s business, the Opposition’s duty is to frustrate, delay and drag on and we cannot fall victim and prey to that. [Desk thumping]

In preparing for today’s debate, I have gone through the Hansard and there was not a single Bill that came to this Parliament that somebody did not suggest we send to a joint select committee, adjourn to a next date to complete and matters of the like. Had we done that, the Government today would not have probably passed a single piece of legislation.
So, in this particular instance, we feel particularly aggrieved because we extended an open invitation seven to eight months ago to receive comments and the fact that Sen. Al-Rawi came eight months late with his comments is not a reason for the Government to dislocate its legislative agenda.

Sen. Al-Rawi: Mr. Chairman, just for the record, because the Attorney General did not want to give way in his winding up and said that I could raise it in committee stage, let me make it pellucidly clear on the record for the hon. Attorney General. When he spoke to me and said that he wanted to have the Opposition’s comments in relation to this Bill, in the interregnum of the seven months that passed, I responded to him and told him that the Opposition, after section 34, will only ever put its position on the record in Parliament, because we cannot trust this Government to act with responsibility, as tonight is an example, in doing the right thing. So let me just debunk that and we can press on.

Mr. Chairman: We shall proceed.

Question put and agreed to.

Clauses 1 to 3 ordered stand part of the Bill.

12.30 a.m.

Clause 4.

Question proposed: That clause 4 stand part of the Bill.

Sen. Prescott SC: Mr. Chairman?

Mr. Chairman: Sen. Prescott.

Sen. Prescott SC: May I direct this question to the hon. Attorney General? In paragraph (a)(i)(b), the one beginning: any dog which has the appearance. It is unclear to me what is to be certified in (b), that is to say, are we certifying the appearance and physical characteristics or the standards? It reads this way:

“any dog which has the appearance and physical characteristics predominantly conforming to the standards of any of the types listed in the Schedule,”—et cetera,—“as certified by a veterinary surgeon;”

The question is, is the certification required as to the appearance and physical characteristics of the dog, or the standards which are listed—which are established by the Federation? It might be a question of construction of the paragraph.

Sen. Ramlogan SC: We had taken this, I believe, from the Canadian model, but I see your point and—[ Interruption]
Sen. Prescott SC: Would you like to shift it around so that it reads— [Interruption]

Sen. Ramlogan SC: Well, no. What I can say, is that in the regulations we can, in fact, perhaps put the certificate.

Sen. Prescott SC: AG, you might be misunderstanding me. If the thing to be certified is the appearance and physical characteristics, we simply have to move the clause as certified by a veterinary surgeon closer to it.

Sen. Ramlogan SC: Well, no. I think it is both, you see.

Sen. Prescott SC: You mean to certify both?

Sen. Ramlogan SC: Yes.


Sen. Ramlogan SC: You see, it is the dog “yuh certifying, eh”.

Sen. Prescott SC: Well, and that is what I am asking, which is being certified, the dog or the standards?

Hon. Senator: No, no, no.

Mr. Chairman: I read it to mean that you have the characteristics that should conform to the standards—[Interruption]

Hon. Senator: They are both linked.

Mr. Chairman: —as a combination of the two.

Sen. Ramlogan SC: Yes, that is correct.

Sen. Prescott SC: So if it had said: “any dog which has the appearance and physical characteristics as certified by a veterinary surgeon”, one could not be uncertain.

Sen. Al-Rawi: That is right.

Sen. Dr. Singh: No, but Sen. Prescott, I believe the physical characteristics have to conform to the standards set by the FCI. So they are both linked together, they cannot separate the two.

Sen. Prescott SC: Hit me again. If it says: any dog which has the appearance and physical characteristics as certified by a veterinary surgeon which are predominantly conforming to the standards of, et cetera, et cetera, nobody could have a difficulty understanding that. Do you want me to say it again? Any dog which has the appearance and physical characteristics as certified by the surgeon and which are predominantly conforming to the standards, proper English, good architecture, unmistakable. Why not give it some consideration?
Sen. Ramlogan SC: This is not to say that your point is invalid, but it is a
formula that has been used in many laws—[Interruption]

Sen. Prescott SC: Sir, it is ambiguous as it stands now. Well, why not just correct
it?

Sen. Ramlogan SC: No, no, hold on. I preface the comment by saying, it is not to
invalidate your point, but I am simply making the point that your way is not the only
way to read it, Sir, with the greatest of respect. The way the Chair read it and
interpreted it just now, is also a way to read it. I am saying it is not irrational to read it
that way or your way. But what I am suggesting is, respectfully, that when we are
doing the regulations, we will put the certificate that the vet would have to sign, and the
certificate would perhaps—the wording in the certificate, would put it beyond the
shadow of a doubt and clarify the matter. That is the most I can say, but barring that, I
think the interpretation when you read it, put in the manner the Chair interpreted it, was
what was intended and what I certainly got on a first reading of it.

Sen. Young: If I may, hon. Attorney General, I would like to join and mark the
record that I join with the hon. Sen. Prescott SC, who as we both know is an attorney-at-
law with considerably more experience than both you and I have, and I agree with him,
and I do not see how it could be an answer, an acceptable answer, that in the future regulations that we do not have in front of us, I will
deal with this, when we are here now, and we can make it beyond a shadow of a doubt:
any dog which has the appearance and physical characteristics predominately
conforming—no, physical characteristics as certified by a veterinary surgeon which
predominately conform to the standards. There is no ambiguity there. It is abundantly
clear. That is my respectful submission, Sir. Do with it as you may.

Sen. Ramlogan SC: Well, you have the Government’s position. We have nothing
further to add.

Mr. Chairman: I must confess, I find that a little more difficult to follow than how
it stands right now.

Sen. Prescott SC: Would you like to give me one more opportunity? I am saying
that the section—the positioning of the clause as certified by the veterinary surgeon,
leaves it unclear whether we are referring to the standards that require to be certified, or
the appearance and physical characteristics of the dog. If we were to say, and I am
going to change it even a little more slightly: any dog which has been certified by a
veterinary surgeon as having the appearance and physical characteristics predominately
conforming, one could not be in doubt about what it means. It is clear as—what was
the word you used just now? [Sen. Prescott SC turns to Sen. Al-Rawi] It is pellucidly
clear.
Sen. Ramlogan SC: Clear as daylight, man. Well, look, Senator, there are many ways—drafting styles differ. I hear you, but you know, I really—the position of the Government in this matter, we think it is, you know, it is clear as it stands, but insofar as it may be open to other interpretations, we will place the matter beyond doubt when we do up the certificate that the vets will have to sign, and in the wording in the certificate, we will make the matter clear. That is the position of the Government.

Sen. Al-Rawi: Could I ask a question please, Mr. Chairman? Is the Government’s policy to change anything in this Bill, tonight?

Sen. Ramlogan SC: It will depend.

Sen. Al-Rawi: It will depend? But there is room for change?

Sen. Ramlogan SC: I do not know. It would depend on what you have to say.

Sen. Al-Rawi: I am asking hypothetically, is there room for change? Is it that the Government intends to go back to the House of Representatives on this?

Sen. Ramlogan SC: I have no such intention at this time. I have to listen carefully to what—we are dealing with it on a clause-by-clause basis.

Sen. Al-Rawi: Because if there is no objection to change per se, of course, with the caveat it must be relevant and the Government’s accord with it in its policy, then I could see no objection to making this much clearer. The parent law is by far more important than the subsidiary legislation.

Sen. Ramlogan SC: Well, you have the Government’s position, Chair.

Sen. Cudjoe: Before you proceed. This is something that I highlighted earlier. We must fix here or every time the word “Minister”, “Ministry” or “local authority” appears in this legislation, we must consider how the Tobago House of Assembly is going to be treated with. So, [Interruption] no. This definition for “Minister”, we can probably add in the case of the Tobago House of Assembly, the Line Secretary or the Chief Secretary, or the Division, because the Tobago House of Assembly would not report to the Minister. I do not think that the intention of the legislation was for the Tobago House of Assembly to treat with dangerous dogs in Tobago. Either we do it here, or every time we encounter “local authority”, “Minister” or “Ministry” in the rest of the legislation, we add something to treat with the Tobago House of Assembly.

Sen. Ramlogan SC: Sure—

Sen. Al-Rawi: Before you answer, AG. If I could just clarify perhaps a little of what my friend has said, my learned colleague. The difficulty is not with local authority, because the definition of local authority in the parent Act includes the
segregation and the disaggregation with the THA and that, but the problem is with “Minister”. There are provisions inside of here later in the parent Act, which prescribe the transfer of ownership to the Minister, and in the case of Tobago, that is not, therefore, correct. So that is the dichotomy that my learned colleague is referring to, not necessarily the local authority.


Sen. Al-Rawi: And how do you fix it?

Sen. Ramlogan SC: No, no, I said noted.

Sen. Al-Rawi: Okay, and how do we fix it? We are here waiting for the definition of Minister.

Sen. Ramlogan SC: I do not agree that in this particular Act, it poses a challenge for the very reason you identified. Local authority is defined as meaning a municipal corporation or the Tobago House of Assembly.

Sen. Al-Rawi: And the definition of Minister, the Minister of Local Government?

Sen. Ramlogan SC: Minister can—the Tobago House of Assembly is not a Minister, there is no Minister in the Tobago House of Assembly. So Minister means, the Minister and Ministry of Local Government.

Sen. Cudjoe: Okay. Then, Mr. AG, based on what you have just said, take into consideration section 8, how will we treat with this at section 8 of the parent legislation?

Sen. Ramlogan SC: When we come to section 8, “nah”.

Sen. Cudjoe: It may cause you to have to go back to that definition or you change it at each clause.

Sen. Al-Rawi: Or you could leave the rest of the interpretation until after you have done the rest the clauses, as it is sometimes customary here.

Sen. Ramlogan SC: No, no, no.

Sen. Cudjoe: Right, use 8(1) as your example.

Hon. Senator: 8 what?

Sen. Cudjoe: 8(1).

Sen. Ramlogan SC: No, but I—there is nothing wrong with 8(1).
Sen. Cudjoe: Let us read it. Can we read it, please?

Sen. Ramlogan SC: No, no. Mr. Chair, we are happy with 8 as it is. The Ministry of Local Government which would include by the definition section, the THA—[ Interruption ]

Sen. Al-Rawi: It does not. The local authority does.

Sen. Cudjoe: No, it does not.

Sen. Al-Rawi: The local authority is the THA.

Sen. Ramlogan SC: No, no, but that is what I am saying, yes. That is what I am saying.

Sen. Al-Rawi: So section 8 which transfers the possession to the Minister.

Sen. Ramlogan SC: Yes, but if the THA—we heard from Sen. Cudjoe, that the THA does not have any facility at the moment—[ Interruption ]

Sen. Cudjoe: No, no, no, no, no, no.

Sen. Ramlogan SC: But I asked you that question.

Sen. Cudjoe: No, no. I said the Division of Health and Social Services would have something to treat with that. Let us deal with the issue before—[ Interruption ]

Sen. Ramlogan SC: And I think that as a matter of resources, if they wish to transfer those dogs to Trinidad for the Ministry of Local Government, there is nothing wrong with that.

Sen. Cudjoe: No, no, no, no, no. If the Tobago House of Assembly is responsible for this function, as it relates to Tobago, I do not see how the dogs going to Trinidad makes any sense, because if you are taking the dogs, right, at what point in time—what arrangement is this thing transferred to Trinidad? May I read 8(1), please?

Sen. Ramlogan SC: Sure. We have read it.

Sen. Cudjoe: “An owner or keeper of a class A dog who is unable to fulfil the requirements of this Act shall notify the Ministry of that fact and transfer possession of the dog to the”—Minister.

Sen. Al-Rawi: It should be Ministry.

Sen. Ramlogan SC: Well, Chair, the simple position is that the Ministry of Local Government is a Ministry of Local Government for Trinidad and Tobago.

Sen. Cudjoe: We have no Ministry of Local Government.
Sen. Ramlogan SC: If they set up—[Interruption]

Sen. Al-Rawi: It is not so the case for Tobago.

Sen. Ramlogan SC: Hold on a second. If administrative arrangements are put in place, in consultation with the THA, then, you know, we really would not have a problem—this is making a mountain out of a mole hill. I think the clear position of the Act really, is that the Ministry of Local Government will be the receptacle and receiver of these dogs, and that is the clear intention. We cannot go and duplicate what we have in Trinidad, in Tobago, unless the numbers justify it. I mean, I do not think Tobago has the kind of problem where this is concerned as compared to Trinidad. I certainly have read of no case coming from Tobago in the research that we did. So that is why we took that position.

Sen. Al-Rawi: But, AG—[Interruption]

Sen. Cudjoe: Then you obviously did not hear Sen. Maharaj’s contribution where he referred to the incident in Plymouth. Now, this contradicts the whole idea of everything that, everywhere “local authority” is mentioned as it relates to the THA.

Sen. Ramlogan SC: Okay. But Chair, we are content with the definition section as is.

Sen. Cudjoe: It does not make sense. I am letting you know ahead of time. It does not make sense. It is not practical.

Question put.

Hon. Senators: No. Division.

The Committee divided: Ayes 15  Noes 11

AYES
Singh, G.
Coudray, Ms. M.
Ramlogan SC, A.
Howai, L.
Griffith, G.
Hadeed, G.
George, E.
Tewarie, Dr. B.
Moheni, E.
Lambert, J.
Maharaj, D.
Ramnarine, K.
Burke, Apb. B.
Mohammed, N.
Bharath, V.

NOES
Al-Rawi, F.
Henry, Dr. L.
Cudjoe, Miss S.
Singh, A.
Cummings, F.
Young, S.
Drayton, H.
Balgoebin, Dr. R.
Prescott SC, E.
Singh, Dr. K.
Roach, HRI

*Dr. Mahabir and Mr. Small abstained.*

*Question agreed to.*

*Clause 4 ordered to stand part of the Bill.*

**12.45 a.m.**

Clause 5.

*Question proposed:* That clause 5 stand part of the Bill.
Sen. Prescott SC: Mr. Chairman, may I refer to 5(a), please, just for the consideration of the Attorney General. The clause speaks of an owner or keeper of a dog permitting the dog to enter a public place at which notices are prominently displayed and I notice that “public place” is defined in the Act as including a street, road or other place. It means, therefore, that we are probably dealing with an absurdity when we speak of notices prominently displayed on a road. If I may substitute “road” for “public place”, it would now read:

No owner or keeper of a dog shall permit the dog to enter any road at which notices are prominently displayed prohibiting entry to dogs.

I wondered whether it is really that we overlooked the breadth of the definition of “public place” when we structured 5(a) in this fashion. It seems to me that we are going to have great difficulty determining when are public signs on roads prominently displayed in such quantity, quantum visibility or language that they could be brought to the attention of a dog owner.

Sen. Al-Rawi: Such as to prevent liability.

Sen. Prescott SC: To prevent liability, if it is good.

Sen. Dr. Balgobin: Every street will have to have a sign.

Sen. Prescott SC: Every street must have plenty signs.

Sen. Dr. Balgobin: There is something I did not understand about that.

Sen. Ramlogan SC: Chair, I believe this was in fact, strange enough, a suggestion that came from Sen. Prescott.

Sen. Prescott SC: What?

Sen. Ramlogan SC: This particular one. But anyway, I certainly—

Sen. Prescott SC: That it should read like this? Sorry, go ahead.

Sen. Ramlogan SC: The definition of “road” is a very wide one. One can certainly think of perhaps places where you may have a sign erected for a particular specific purpose in mind. There are some roads that are very—like a trace really—and at the end of it—I know certainly in Harmony Hall in the south Trinidad where I come from, they have, like the Lady Hochoy Home is at the end of a road, in a cul-de-sac, and it may very well be that in certain areas you may wish to reserve the option to have a sign saying, “No Dogs Allowed”.

I had in mind, for example, places that might be a facility for, say, autistic children; places that might have a facility for physically challenged persons or children, as the case may be, and you might not want to take the risk. If it is a facility that takes
up the place as it were, then you may want to reserve the option, but one would easily and readily foresee that that would be an exceptional case. I see nothing wrong in leaving it to cater for that possibility.

**Sen. Prescott SC:** Hon. AG, I am not recommending that you seek to amend this at this time, you know. I am merely saying that operationally it will make a nonsense. I suspect that it was meant to refer only to enclosed spaces and so you may wish to consider whether, now or in your regulations, such things as the quantity of signs on a public road, be it major, minor or secondary, the visibility of the sign, the language in which the sign is published—[Interruption]

**Sen. Ramlogan SC:** And the purpose.

**Sen. Prescott SC:**—and whether the blind who are carrying their guard dogs can see it.

**Sen. Ramlogan SC:** Sure.

**Sen. Prescott SC:** That is all. I am not saying to amend it.

**Sen. Ramlogan SC:** Or, we may have to train the dogs to read.

**Sen. Prescott SC:** No, I do not want to make it facetious either.

**Sen. Ramlogan SC:** I am not making it facetious either, but I hear you.

**Sen. Prescott SC:** Thank you.

**Sen. Al-Rawi:** Mr. Chairman, if I may also point out, please, that I do not recall Sen. Prescott making these observations because at section 5, when we originally dealt with this Bill in July in the Senate, we were dealing with the limitations in restaurants, food courts, commercial malls and shops, all enclosed places, so roads were never quite in a public context there, so that could not be correct.

Secondly, Mr. Chairman, if I may enquire, what exactly is a keeper of a dog in view of the definition section? I am looking specifically at the definitions of “owner” and “person with responsibility”. So Sen. Prescott has said “the person responsible” and that was my point. My point was to say that we use this term “keeper” throughout in various phases. We use “owner” we use “keeper”, but the Act prescribes really a person with responsibility for a dog and I wondered why we did not use that language specifically, because it will take out any form of ambiguity and relate strictly back to the definition section.
Sen. Ramlogan SC: Well, “owner” and “keeper” will obviously fall within the scope of responsibility for the dog, but one can see so many possibilities where a person might have responsibility for the dog. For example, you might be going away on a vacation and you leave the dog. One may argue it is not an owner, it is not a keeper even, who knows? You put it even in a vet’s hospital as the case may be. I think it is, in the ordinary use of the English language, the person responsible for the dog. It is fairly easy to understand.

Sen. Al-Rawi: Which is why I preferred to use it in the Act itself. You see, it is tied in to the definition section. I found it very untidy to use this concept of a keeper because we have taken the time to explain, in the definition section, “responsibility”, which takes care of the temporary or transient state of managing a dog even though you may not own it.

Sen. Ramlogan SC: I think “keeper” equally was meant to treat with that particular issue because you may have someone keeping a dog, but does not own the dog.

Sen. Al-Rawi: I appreciate what you are saying AG. One could perhaps rely upon “keeper” in its ordinary sense, but having taken the time, all I am doing is pointing out that it would have been neater in my view to use that “responsibility” tagline.

Could I also ask, hon. AG, with respect to the use of dogs, the caveat in this particular clause is that you have assistance dogs being included for an exception, but that assistance is tied in to a definition of persons with disabilities.

It is now quite a very accepted feature that dogs may be used for therapeutic purposes, but would not fall within the strict definitions of law as to disability. For instance, an autistic child may not be necessarily, or a child suffering with emotional trauma, some form of syndrome may not be disabled per se, but may have been prescribed the use of a dog for therapeutic purposes. In that context, therefore, I wondered whether a dog included for therapeutic purposes, perhaps within the definition of “disability”, could be included.

Sen. Ramlogan SC: We are content to give that protection to the physically challenged and the disabled community and we will consider the dire consequences for those who are using dogs as part of therapy at a subsequent stage, if necessary.
Sen. Dr. Balgobin: Attorney General, if I could just ask something about the one beneath that. It says that the dog is permitted to enter into a public space which has prominently displayed signs prohibiting entry “for the purpose of securing the location”.

How do you see that working out? You are making an accommodation there for canines, right?

Sen. Ramlogan SC: I think this came from one of the stakeholders we met with and the thinking was the malls. When you enter the mall sometimes, in some of the car parks you may see the odd guard with the—

Sen. Dr. Balgobin: So if I walk into a mall with a very big dog that is in Schedule A, a class A dog, and I said that I am here to secure the location, who is to contradict me?

Sen. Ramlogan SC: Well, the mall owner. The mall owner will have to say whether he hired your services to secure his mall, otherwise you can walk in the Red House right now and say you have come to secure the Red House.

Sen. Dr. Balgobin: That is the thing. It is securing the location on behalf of whom? Does that need to be defined or specified?

Sen. Ramlogan SC: I do not think so, because “for the purpose of securing the location” would imply the consent, permission and knowledge of the owner of the premises. It would be an oddity if you are going to secure somebody’s place without their knowledge, consent and permission. It would not be believable or credible.

Sen. Al-Rawi: Hon. AG, you just raised the very next concern that I was going to put on the table. This particular clause, which is an amendment to section 5 of the Act provides strictly that no owner or keeper shall permit the dog in the place where there is a sign. Dogs are often used in training exercises at schools, et cetera, and introduction to therapy for instance includes that, but more particularly training includes that.

The prohibition as put here, without that particular point, what about “express consent”? Would that vitiate the strict liability considerations in section 5? Is it the intention—and this is for the record of Parliament—that Parliament is saying that section 5(1) of the Act as it would be amended by this clause, the strict liability there, you shall not do this or else it is an offence can be vitiated by consent?
Sen. Ramlogan SC: No, that was not the intention really. It really is meant to be an absolute prohibition.

Sen. Al-Rawi: So, how does one allow for the educational aspects for instance of a dog in a school, much like we saw “Cyrus The Virus” there in the pictures produced by Sen. Dr. Singh. How is that now going to be lawful? Are we banning that completely because it seems so to me?

Sen. Ramlogan SC: If the public place displays a sign prohibiting entry to dogs, unless it is in these categories, “it mus be dat de place really doh want de dog dey”. It could be a church; it could be a place of worship; it could be a school, but whatever the place is, if the people put up a sign, “doh carry yuh dog dey. It is as simple as dat.”.

Sen. Al-Rawi: My concern was not so much the private places that have the option to take down or put up a sign. It concerned the fact that—[Interruption]

Sen. Ramlogan SC: Even the public places, a school.

Sen. Al-Rawi: It concerned the public places in particular and while I am at it, may I ask, “this Act is intended to bind the State?”


Sen. Al-Rawi: Is it not then appropriate in legislation such as that, if the intention is to bind the State, that one specifically includes language to that effect?

Sen. Ramlogan SC: It may, but in a case like this, it is fairly obvious because we have said “people in the service of the State”; we have said “persons”—

Sen. Al-Rawi: Before I get there, it is common in legislation which is intended to specifically bind the State that you state that.

Sen. Ramlogan SC: It is not necessary in this case because we have in fact referred specifically to the State where it was necessary to do so. So it deals with that.

Sen. Al-Rawi: Then that takes me to the next concern that I have on this particular clause, which is the definition of “a person in the service of the State”.

Sen. Ramlogan SC: Well, where is that?

Sen. Al-Rawi: That is in clause 5(1)(c). There is an exception for the dog which “is being used for a lawful purpose by a constable or a person in the service of the State”. What does that mean?
Sen. Ramlogan SC: Well, I think I dealt with that, Chair, during the course of my reply, but I think “in the service of the State” is a fairly common term that would be understood but certainly it is a matter that has been amply considered by the courts in this jurisdiction and “in the service of the State” would mean really “in the direct employ of the State” and it would mean that the dog is being used in connection with the performance and execution of the public officer’s duty. I am saying so for the record, so that if needs be, for an aid to interpretation, resort can be had.

Sen. Young: Hon. Attorney General, you were a practitioner not so long ago and part of your practice definitely entailed asking the courts to interpret legislation. You have said it in your wrap-up, and you are saying it here again. Might I respectfully suggest, rather than use the language, I am not aware and I would be guided if you would point us to the authorities that have defined in our jurisdiction “a person in the service of the State”.

It would be much easier, in my humble opinion, and I would like to suggest that you say, “or a person in the employ of the State” because being in the service of the State is a completely different concept and much broader and wider than being in the employ of the State. Respectfully, I would like to suggest an amendment.

Sen. George: What then is the meaning of public service?

Sen. Young: What is the meaning of what?

Hon. Senator: “Public service.” It is defined in legislation, Sen. George.

Sen. Young: The Constitution, Sen. George, which governs the land of Trinidad and Tobago, defines “public service” and what is a “public servant” et cetera, with the greatest of respect. If it is that no recommendations are going to be taken on board, for whatever reason that you will now say is the policy of the Government that they are not going to go with “employ” as opposed to “service”, then so be it, but let the record reflect that this was the suggestion.

1.00 a.m.

Sen. Ramlogan SC: Chair, I take on board the suggestion. I, for myself, do not see any need for clarification, and if insofar as there might be a concern about it, I think that by saying it on the record, as a statutory aid, resort can be had to that but it is not a matter that we would want to interfere with.
Sen. Young: Mr. Chairman, I would like some clarification about the Government’s policy. If its policy is that these dogs listed are dangerous dogs and should not be kept, and that they have a potential to be dangerous, why it is that the State is not setting the example and ensuring that the dog is not used for State affairs in any service? So that the police service should not use any of those dogs listed; the Government should not hire for the use, security dogs or those dogs listed. So that they are setting the example, if they are saying that these dogs have the potential to be dangerous, they should set the example from the forefront that do not encourage the use of these dogs, which is what the Act is seeking to do—to discourage the keeping of these dogs—and I think it is the obligation of the State if the State is to be binded by this law, that they do not actually employ these dogs. [Crosstalk]

Sen. Dr. Mahabir: Chair, thank you very much. I had proposed an addition to clause 5, Mr. Chairman, and that is an addition of 5(1) which says that:

No person shall be permitted to own or keep a class A dog unless the owner or keeper has attended and completed a course of training in the control of dogs that is recognized by the Minister by Order.

The reason I am putting this for consideration to the hon. Attorney General is that in the particular Bill, there is a stipulation that if the dog is to be taken in to a public place, then the owner must have completed such a course.

Now, if we are going to focus, as we were advised by the hon. AG on ownership responsibility as well, I am putting forward the position that every individual who is the owner of this dog should be also subjected to the type of training that is expected of someone who is going to take the dog out in public because there are many accidents which occur in the home; there are many accidents which occur within the confines of private property, and it means that if we only enforce the requirement of training on the people who are taking the dogs out, then we leave open the possibility that visitors to the home, even homeowners, may be imperiled and I think this is an oversight that I would like to see corrected, but it is, of course, left entirely up to the hon. Attorney General to consider.

Sen. Ramlogan SC: Sure. Senator, this is a point I had raised during the course of consultations. In section 16 you will see that we have made provision in the Act for—it says in section 16:

“An owner or keeper of a class A dog shall cause that dog to be trained by a certified dog trainer.”
And then it goes on to say that:

“…where that person is trained…”

The point is that there is that requirement. What I was told was that the training for the dog involves the training of both the dog and the owner, and that was the explanation given by the dog trainers we spoke to; that the training for the dog, in fact, is not training the dog in isolation from the owner, but they do, in fact, train both the dog and the owner as it were. So that it was on the basis of that, and the fact that they could not envisage having a course for the owner in isolation, that we opted to go with the training of the dog on the understanding that the owner is automatically being trained as well.

Sen. Dr. Mahabir: Okay, but, hon. Attorney General, is it that there is a different course of training from the one that you have just advanced for an individual who is going to take his dog outside his compound and into a public place? So that there are two types of training you are talking about.

Sen. Ramlogan SC: I had asked that question. I was told that there is no specific course of training to treat with the owner as distinct from the dog. What they do is, they combine it in the training of the dog—[Interruption]


Sen. Ramlogan SC: Now, hold on. Furthermore, if we are to have a separate course of training—having trained the dog, you have to train the owner. There is also a serious cost implication as well in that, that met with a lot of objection from the dog owners themselves. They said that they already have high fees to pay under the licensing regime—taking out the insurance, putting up the high fence and the training of the dog—and we were now going to impose training on the trainer. So that it was really in an effort to try to strike a little compromise that we did not go the full monty to say, “Well, look, train the owner, train the dog” because then if you go down that road, you see, you train the owner, but these dogs will be a dog in a family. So when you train the owner, what happens to the son, the daughter, the “mowsaa”, “mowsi”; everybody have to go and get training. You understand? So that it becomes a little complex, and I took on board the realistic complication that was raised by them, and that is why we rested it here as a matter of policy, but I understand the point you are making, Sir.

Sen. Dr. Singh: Mr. Attorney General, in particular, with what Sen. Mahabir is saying, when he is suggesting that before a new owner gets a class A dog, they are subjected to some form of training as well, so not only owners who already have a dog, but we have to take into consideration someone who now attempts to get a class A dog.
Also, it would be my suggestion that seeing that the insurance companies stand to make a fortune out of this Act, in the same way they have these defensive driver courses where they teach something to the person and then they institute their insurance, it could be regulated that there is a responsible owners course that the insurance company has to put forward, because the insurer wants to certify. I am certain that an insurer wants to ensure the person insuring is going to have his dog responsible so they would not have to pay money as well.

**Sen. Ramlogan SC:** Dr. Singh, that is an excellent suggestion and the point is that the defensive courses are not put on by the State, but by the insurance companies and the insurance industry. So, I have no doubt they would offer a discount and to make their product more attractive when the competition sets in that you will in, fact have responsible dangerous dog owner courses being offered by the respective insurance companies, and I hope they take on board your suggestion, Sir.

**Sen. Al-Rawi:** Mr. Chairman, if I may, as a matter of procedure, respectfully indicate that Sen. Mahabir’s amendment which he discussed a little while ago usually comes after we have considered the amendments, all standing to clause 5. I am not yet quite finished with my interrogation of clause 5, Mr. Chairman.

**Sen. Ramlogan SC:** Well, no problem.

**Sen. Al-Rawi:** May I invite the hon. Attorney General to explain for the benefit of the record who the owner or manager of a public place, being a road in this instance, will be?

**Sen. Ramlogan SC:** It will be the Minister with responsibility for roads.

**Sen. Al-Rawi:** Right. And if that is the case then, is it reasonable then to say in amending subsection (2)(c), as we propose to do by clause 5 that:

“the owner or keeper, with the dog has attended and completed a course of training in the control of dogs that is recognized by the Minister by order”…and documentary proof of such training is presented on request to any authorized representative of the owner or manager of the public place.

Is it that the Minister must come and ask on the road that position—we are staying there. You see, I am tying back to the fact that I think that “public place” was really intended to mean the mall scenario as put by Sen. Prescott.

**Sen. Ramlogan SC:** Well, I think I took the point when Sen. Prescott made it. So, we do not need to belabour it, but I understand what you are saying.
Sen. Al-Rawi: Okay. May I then also ask in respect of the proposed amendment by striking the word “incite” and inserting the word “cause” in 5(c) of the Bill. It says here the section as amended in the law will now read:

“No owner or keeper of a dog shall—“

And then (c) says:

“permit or cause the dog to attack a person without reasonable cause.”

Sen. Prescott had raised in July, last year, a very interesting interpretation as to whether we were looking to the animus or intention of the dog versus that of the person, and I wondered if this was properly constructed here “the dog to attack a person without reasonable cause”.

Sen. Ramlogan SC: Now, Sen. Prescott this was I think one of the points we took on board during the course of your contribution. I think you did not like the word “incite”.

Sen. Prescott SC: Well, I am attacking it once again.


Sen. Prescott SC: I am now favouring it.

Sen. Ramlogan SC: I think:

“No owner or keeper of a dog shall—permit or cause the dog to attack a person without reasonable cause.” The “reasonable cause” there I think clearly pertains to the owner having reasonable cause. In other words, the owner does not have a defence in law, and it is in that context I read it, meaning that the owner does not have a defence which would be a reasonable cause. That is how I read it.

Sen. Al-Rawi: You see, putting the words “without reasonable cause” in front of the word “permit” changes it beyond doubt.

Sen. Ramlogan SC: Sorry, putting what?

Sen. Al-Rawi: If we were to remove “without reasonable cause” and insert it at the beginning of subparagraph “(c)” it would then read:

“No owner or keeper of a dog shall—

without reasonable cause permit or cause the dog to attack a person.”

That completely changes the issue of a judge being invited to step into the mind of the dog on a Clapham omnibus.
Sen. Ramlogan SC: Well, I do not think that this wording entertains that possibility. I mean it is clear:

“No owner or keeper of a dog shall—

permit or cause the dog to attack a person without reasonable cause.”

The “reasonable cause” attaches to the owner. I mean, one can look at it—obviously, anything in this Bill and anything you write and read could be open to different interpretations. But, Sen. Prescott, may I just remind you that in your letter to me of July 23, this was, in fact, your own formulation. I have it here.

Sen. Prescott SC: How am I to come involved in this?

Sen. Ramlogan SC: Because this was your suggestion. I, in fact, incorporated it.


Sen. Ramlogan SC: I thought you were taking issue with it as well.

Sen. Prescott SC: Mine is a wholly different thing, and I hope that I get the opportunity.


Sen. Al-Rawi: May I press pause to allow Sen. Prescott to press on then. I have one more after this.


Sen. Prescott SC: Mine is slightly different. You were continuing? You would note from my recent amendment—[Interruption]

Sen. Ramlogan SC: For which I am very grateful.

Sen. Prescott SC: Thank you—I recommended that we should delete clause (c) altogether.

Sen. Ramlogan SC: No, and I did not agree with that.

Sen. Prescott SC: And then I suggested an alternative. Now, let me tell you why. I think the word “incite” ought to be retained because “to incite” would include to unsuccessfully try to get the dog to do something and, as you know, an attempt to cause the dog to do something is itself an offence. So I think a person who incites a dog and the dog does not do what he wants him to do, is quite different from the person who permits the dog to do the thing or the person who causes the dog to do the thing; this is a third person.
Sen. Ramlogan SC: But if you incite a dog to do something, you are causing it to do the thing.

Sen. Prescott SC: No Sir, the dog may not do it. Like they incite you to drive your car while drunk, but you decide “you ent going”.

Sen. Ramlogan SC: In which case you will have friends.

Sen. Prescott SC: I have incited you. So, to incite is to do a thing quite different from to permit which means the action has been successfully carried out or to cause, which means the thing has been successfully carried out. I would now suggest to you, Sir, that you should really introduce incite here, unless it is your view that nothing is going to be changed tonight.

Sen. Ramlogan SC: I am fast being dragged to that position because on this particular issue—Look “permit or cause the dog to attack a person without reasonable cause”. Now, I take the point that theoretically one can be charged for inciting the dog to do something without reasonable cause and the dog refuses to do it.

Sen. Prescott SC: That is incite!


Sen. Prescott SC: That is to incite.

Sen. Ramlogan SC: Yes. So you incite the dog to do something, the dog “aint” do it but the DPP and the police come to charge you for inciting the dog to do something that the dog refused to do. I mean, really?

Sen. Prescott SC: The real phenomenon here is that if you say—and I would use the colloquial—“Shook dog behind the person”, you put the person in fear. This thing is about danger to people.

Sen. Ramlogan SC: But, therefore, you are causing it.

Sen. Prescott SC: No, Sir.

Sen. Al-Rawi: It is about the assault. The dog has not assaulted the person.

Sen. Prescott SC: The dog has not done anything at all. This speaks about permitting the dog to attack. This dog has not attacked. The dog said to his master, “I ain going dey with you.” You say, “Shook dog”, he say, “I am not going there with you”, but you are inciting the dog. That is an offence, because you are putting the person in fear.
**Sen. Al-Rawi:** It is like the pompek that attacked you.

**Sen. Dr. Balgobin:** If I shook the dog, but the dog is on a leash—so I shook the dog at you, the dog is baying, slaggering, but it does not get to bite you because I am holding it on the leash, I have still done you injury. I have disturbed your peace of mind—[**Interruption**]

**Sen. Al-Rawi:** Assaulted in law.

**Sen. Dr. Balgobin:**—I have frightened you; I have made it untenable for you to—[**Interruption**]

**Sen. Ramlogan SC:** No, but you would have caused.

**Sen. Dr. Balgobin:** No, you have not caused.

1.15 a.m.

**Sen. Ramlogan SC:** No, but (b) will cover that. (b) says, if you:

“encourage the dog to be aggressive or to intimidate a person to facilitate the commission of a crime;”

If you—“permit the dog to be dangerously out of control in a public place.”

Look, technically I see what you are saying, but I think we may be splitting hairs really.

**Sen. Al-Rawi:** No, we are not splitting hairs.

**Sen. Ramlogan SC:** No. No. I do not see, Chair, that the policy of the State is one that could criminalize a situation where the dog is incited to do something which the dog refused to do, and that if the dog refused to do it, it should result in criminal liability in these circumstances. I think the intention here was if the dog is permitted or caused to attack a person, that is where the emphasis was.

**Sen. Prescott SC:** AG, do you have any idea why the word “incite” was there in the first place? It is because it is a legitimate use of the term. It says: do not incite dogs to put people in fear.

**Sen. Dr. Balgobin:** To attack people, not intimidate. Intimidate may be covered by (b), but (c) is to attack. I am encouraging the dog to attack you.

**Sen. Dr. Singh:** Attorney General?

**Sen. Ramlogan SC:** I am hearing you. I am listening, you know.

**Sen. Dr. Singh:** If I could give my professional opinion.

Sen. Dr. Singh: If you have an owner who is holding a dog on a leash and someone comes up to the person, and the owner does not incite the dog to attack, but let us say the owner is unaware that that person happened to sneak up behind them and tap them on the shoulder, and that person jumps, and in the jumping of that person as a response to being touched on the shoulder, that person has caused the dog to attack, should they be then liable? Because you are saying here:

“No owner or keeper”—[Interruption]

Sen. Ramlogan SC: The third party?

Sen. Dr. Singh: No, but:

“No owner or keeper of a dog…permit”

If you are saying “permit” or “cause”, right, and yes they have caused it because of their action of acting surprised, but their intention was not vicious, their intention was not to incite.

Sen. Ramlogan SC: Okay, I understand the points, let me just deal with it. Listen, the policy of the legislation was not to treat with that kind of situation. Inciting a dog is dealt with in a separate section in this law.

Sen. Al-Rawi: Where?

Sen. Ramlogan SC: It is dealt with in section 20.

Sen. Prescott SC: 20?

Sen. Ramlogan SC: Yes.


Sen. Ramlogan SC: Section 20 says, and I read:

“A person who, without reasonable cause, incites a dog to attack another person causing grievous bodily harm resulting in death…”

[Interruption]

Sen. Al-Rawi: Stop right there.

Sen. Ramlogan SC:

“commits an offence—”

Sen. Al-Rawi: Stop there.

“causing grievous bodily harm”
Sen. Ramlogan SC: I know and that is what I am saying.

Sen. Al-Rawi: Yeah, but it is separate; it is the misdemeanor as opposed to the felony.

Sen. Prescott SC: You have now gone into a more grievous offence.

Sen. Ramlogan SC: I know, and what I am saying is that, that is what we intended to capture. The lesser position that you are advocating in that, there is a lot of frailty about it because, as Sen. Dr. Singh pointed out, imagine you are walking your dog in the park and a third party, a game of cricket is going on and a man hit a six and the ball fell in front your dog and your dog “digs off” and attacks somebody, who will you blame? What are you going to do?

Sen. Al-Rawi: Mr. Chairman?


Sen. Prescott SC: If the dog is “permitted” to be there, it is not an offence.

Sen. Ramlogan SC: No, well hold on, and there may be other scenarios. Somebody goes to scare the owner without seeing the dog in front, a child with a ball. There may be so many different circumstances.

Sen. Al-Rawi: Hon. Senators, please, one moment. Mr. Chairman, I have got my second wind, so I am good to go all day straight into tomorrow, but I am please requesting a small human break. I cannot leave this Bench while the committee stage is going on, and I crave your indulgence to allow us all a small human break so that we may refresh ourselves. I have not gotten up for four hours straight, Mr. Chairman.

Sen. Singh: That is not true.

Sen. Ramlogan SC: That is not true at all.

Sen. Al-Rawi: Mr. Chairman, I am being serious. I am not being facetious. I am asking for a 10-minute or 15-minute recess, Mr. Chairman.

Sen. Ramlogan SC: Well, Chair, look, I have no objection if my learned friend has an urgent and pressing need.

Sen. Al-Rawi: It is not that, my back is in a small spasm and I would like to participate in the debate, and I would like to do so courteously.

Mr. Chairman: I propose that the committee will be suspended until 1.30 a.m.
Sen. Al-Rawi: Thank you, Mr. Chairman.

Mr. Chairman: That is a little over 10 minutes from now.


1.20 a.m.: Committee suspended.

1.30 a.m.: Committee resumed.

Sen. Ramlogan SC: Chair, I had the good fortune of speaking to my learned friend and colleague, Sen. Al-Rawi, Leader of Opposition Business, and I think during the course of our discussion we were able to find a common ground with some uncommon approach to issues. But the long and short of the matter is that this is a Bill, we have had the benefit of looking at the proposals for amendments, which were kindly circulated to the Government, I have indicated to my learned friends that my candid and frank view is that there is nothing that has been proposed in the amendments that I consider to be sufficiently urgent to merit interference with this Bill that we have before us.

I have also indicated that this is the kind of legislative measure that to a large extent would depend—the success and efficacy of it will depend on the practical administration and implementation of the law, and therefore it is one where you will have to keep your eye on the cursor and perhaps no doubt return to Parliament to treat with the teething problems, and some of the issues that have been identified. There is also, of course, the regulations which are to be made, and insofar as some of the issues which, though relevant may be peripheral to the issues covered by the law, we will no doubt take them into account when drafting the regulations.

That being the position, I have indicated to my learned friends that the studied position of the Government is that we would prefer to deal with the Bill in one without reference to any amendments being accepted by the Government. In the interest of time, I believe there is some agreement with the Opposition for which I am grateful.

Sen. Al-Rawi: Mr. Chairman, if I may, I thank the hon. Attorney General for putting the Government’s position as succinctly as he has. If I could, for the PNM’s record or the Opposition’s record, tonight say, it is our view that the amendment being proposed tonight is unconstitutional, firstly because it requires a three-fifths majority; secondly, that there is some degree of disproportionality in
relation to the manner in which fines and penalties are prescribed; thirdly, that the issue of dealing with class B dogs, such as to make dog control for vicious dogs there, is inappropriate and inadequate and therefore protection to the citizens of Trinidad and Tobago is not adequately catered for.

I have in fact prepared a marked up track-change document, which I provided to the hon. Attorney General and indeed to all Independent Senators behind me, as well as to my Bench, and in a nutshell, the Government having explained its position in not being able to facilitate tonight the inclusion of amendments, I would just say that we would not be in a position to support this Bill because of the positions advanced in a nutshell by me a short while ago, and therefore I would have no objection in it going to a vote simply because we cannot support it in its current form.

Sen. Ramlogan SC: So we can put the Bill.

Sen. Cudjoe: I want to place on the record before you put the Bill, the PNM’s position, especially Tobago council, PNM position, Mr. Chairman. The provisions of these amendments are in total contradiction to the spirit and the intent of the Constitution and the Tobago House of Assembly Act. Mr. Chairman, we have struggled for years to be removed, to come out—be removed from the confines of local government, and this is a totally retroactive, retrograde step that we are taking here to try to put the Tobago House of Assembly, or matters that are related to the Tobago House of Assembly back under a Ministry of Local Government.

I am totally perturbed and disgruntled by that, and I cannot support any clause, any clause that treats with putting anybody, a dog, a cat, a fly, even a hairpin from Tobago under a Ministry of Local Government. So I must put my position on the record. I object totally. We want nothing from Tobago under a Ministry of Local Government in Trinidad, absolutely no way. Thank you.

Mr. Chairman: Sen. Prescott SC.

Sen. Prescott SC: Mr. Chairman, may I understand what has been proposed for the rest of this morning, please?

Mr. Chairman: As I understand it, the Clerk will invite you to decide whether all of the sections should stand part of the Bill in one aggregate whole.

Sen. Prescott SC: And should the vote go against the proposal, we then go through with it section by section, clause by clause?
Mr. Chairman: If it went against then perhaps we could go home. I do not know. [Laughter]

Sen. Prescott SC: Well I am pleased to see that the confusing is not isolated to myself. I do have, apart from what I have put into writing, some other observations about clauses which I think need to be heard.

Mr. Chairman: Yes.

Sen. Prescott SC: So that I would prefer if we dealt with each clause.

Mr. Chairman: My advice is that we either have agreement to proceed with the whole or we can go clause by clause, or we will have to go clause by clause, I should say, sorry.


Sen. Ramkhelawan: Chair, if I may. I believe it will be a serious contradiction of the practices and procedures that I have observed in the Senate since I have been here, to take this Bill en bloc without taking into consideration the proposed amendments. It is my understanding in discussions with the Attorney General and the Government side that there is not much room to entertain amendments at this point in time. That being so, we still need to record the amendments that have been put forward on the understanding that the amendments are not going to be accepted, but for purposes of parliamentary record, I believe it is in the best interest of all of us and the citizenry to do so.

So as a process, I agree with Sen. Prescott SC, that we should go clause by clause, record the amendments, Chairman, vote on them and then move forward, rather than debate them, if it is the position of the Government that it is not in a position to entertain the amendments.

Mr. Chairman: And that is what I have ruled. I have said that either you all agree that the entire Bill should be put as one, a block.

Sen. Ramkhelawan: No, I do not think so, Chair.

Mr. Chairman: Either you agree that it all be put as one block—[Interruption]

Hon. Senator: Or.

Mr. Chairman: It is not an “or”. If you do not agree entirely with, 100 per cent of you, to put it in one block, then we have to go clause by clause. That is what my ruling was.
Sen. Cudjoe: I have a question—[Interruption]

Mr. Chairman: Sen. Balgobin.


Sen. Dr. Balgobin: It is good to know that I retain my name, Shamfa, if you did not get it yet. I just wanted to make an observation, Chairman, and that is what is being articulated, whether we go en bloc or whether we go clause by clause with the intention of no amendments, sounds to me like an abuse of what the committee stage was designed to accomplish. So I think we are in a bad place one way or the other and we ought to really just pause here for a second.

I have no interest in going through with clause by clause to have people articulate what the amendments are, knowing that it amounts to nothing. I do not see how that is going to influence the Judiciary at some future point or anybody else. So whether these amendments are articulated or not, to my mind, has no bearing whatsoever on the outcome, and therefore either we accept that there are going to be no amendments, which I think is the Government’s prerogative to put forward, and if it is so, it is so. I do not think that it is healthy for us to say from here, before we dip our feet any further in the water, that, you know, we predetermine the outcome. It sounds manipulated somehow. It does not smell quite right. I do not do know if I am articulating my concern properly.

1.40 a.m.

Mr. Chairman: I hear you, Senator. Certainly at each juncture what it does serve is that it is not just a matter of going through form. As I understand what the Attorney General has said, is that amendments proposed may be taken into account after the Bill has been implemented, recognizing that there are some shortcomings, and therefore one can revisit the amendments. So I do not think it is an exercise in futility in that sense. What I do say also is that we will be asking this Senate to vote, just as we always do, clause by clause.

Sen. Ramlogan SC: Let us not waste the whole night debating whether this is a good approach or not. I mean, if that is the case let us go back to the clause by clause.

Sen. Dr. Singh: Hon. Chair, if I may, I am not always familiar with the runnings of the Senate, as I am only temporary, but based on what I see going on here and the statement by the Attorney General that they are not willing to take any amendments, their policy is already decided, and based on my experience in consultations, I believe I have exhausted my purpose here tonight. Through you, I
ask to leave, because I believe that this is not the proper way that a Senate should be carried out. So I leave this Senate tonight leaving you all that message. I ask humbly to be dismissed for tonight. I wish you all a very good night—good morning, sorry.

Sen. Al-Rawi: You may want to record your vote.

Dr. Singh: My vote is known. It has been consistent throughout.

Sen. Ramlogan SC: No, no; but Dr. Singh that is an even greater abuse, that you would say your vote is known without having the benefit of the committee stage or what people have to say.

Sen. Dr. Singh: Well I could tell you my vote is no to this Bill wholeheartedly.

Sen. Ramlogan SC: All right, fair enough.

Sen. Dr. Singh: And it could be extended through all the clauses that you all have to go through. So I wish you all a good night.

Sen. Cudjoe: Mr. President, I feel very uncomfortable because the fact that we are in committee stage, does the purpose of committee stage not mean that we are here to fix the legislation? Clause by clause we go through and try to fix the legislation. So the fact that we are not doing that, then we are abdicating our responsibility as parliamentarians. That is how I feel.

Mr. Chairman: I do not know that the committee stage is to fix the Bill. It is to review the Bill clause by clause. But I propose that we start on the process.

Sen. Ramlogan SC: Let us go back to clause by clause.

Question put.


The Committee divided: Ayes 15 Noes 10

AYES
Singh, G.
Coudray, Ms. M.
Ramlogan SC, A.
Howai, L.
Griffith, G.
Hadeed, G.
George, E.
Tewarie, Dr. B.
Bharath, V.
Moheni, E.
Lambert, J.
Maharaj, D.
Ramnarine, K.
Burke, Abp. B.
Mohammed, N.
NOES
Al-Rawi, F.
Henry, Dr. L.
Cudjoe, Miss S.
Singh, A.
Cummings, F.
Young, S. [Interruption]

Sen. Ramkhelawan: Chair, I am not clear what we are voting on.

Mr. Chairman: Section 5.

Sen. Ramkhelawan: Section 5.

Mr. Chairman: Clause 5, I should say. The question is that clause 5 now stand part of the Bill, is the question before us.


NOES
Drayton, Mrs. H.
Prescott SC, E.
Singh, Dr. K.
Roach, HRI
The following Senators abstained: S. Ramkhelawan, Dr. R. Balgobin, Dr. Mahabir, D. Small.

Question agreed to.

Sen. Small: Mr. Chairman, may I be permitted. I have a mental challenge, and with your leave I wish to express—I am relatively new to this process and I want to place on record my high level of discomfort with the way in which this process has evolved. I understand the imperatives of the Government of the day trying to get things done, and in my probably virgin conception of how a Parliament should work, I have a difficulty mentally with what you are trying to do. I understand what you are doing, and I understand the process, but I have a difficulty. I just want to put that on the record, Mr. Chairman, just for the record. Thank you.

Sen. Ramlogan SC: I thought we had had some discussions which I thought had borne fruit. If there is some level of discomfort by my colleagues, it is not my desire to cause any discomfort. As noted by one of the Senators who spoke, the Government is entitled to take a legitimate position in respect of any Bill, that the Bill reflects the Government’s policy, and it does not admit to an amendment which we do not see merit in. That is the prerogative of the Government. But insofar as my colleagues are discomforted by the process, which we thought we had agreed upon, I have no difficulty in recommending to the Leader of Government Business that we perhaps adjourn at this point and we continue the committee stage on the next occasion.

I dare say, however, for the record, please do not take that as an indication that the position of the Government will change on the next occasion. My own view is that we need to get on with the business of the people of this country, and between now and the next adjourned date if some pit bull mauls somebody’s child or their grandmother, we would have missed yet another window of opportunity, because we did not want to get this thing passed, and that is what bothers me the most about it.

We pussyfoot and dilly-dally with these things because we are trying to get it perfect and right, when no matter what we do you are going to have problems with any law we pass. But if it is the wish of my colleagues that we adjourn to come back on another occasion, I have no difficulty in recommending that to the Leader of Government Business.

Sen. Dr. Mahabir: Mr. Chairman, there is absolutely, absolutely no benefit in adjourning, because we will achieve nothing on the next occasion.
Sen. Ramlogan SC: That is the point.

Sen. Dr. Mahabir: Let us complete the process. I concur with my fellow Sen. Small in that there is a lack of understanding as to exactly what is happening, but I am getting it clearer and clearer that this is just procedural.

Sen. Ramlogan SC: It is.

Sen. Dr. Mahabir: It is just procedural. So I would recommend we continue with the procedure and we all go home, because I think that might be the most appropriate thing to do at this time, if we are to salvage what has happened over the last 12 hours. Thank you, Mr. Chairman.

Sen. Prescott SC: Chairman, may I? Mr. Chairman, I am reluctant to accept any assertion that I am pussyfooting in this matter. I came here; I voted for us to go into committee stage because I think that there are substantive issues with which we must deal. I am not going to allow the Attorney General, as friendly as I am with him, to make the error of saying that I am here pussyfooting with this thing. If somebody is mauled between now and the next occasion, the blame ought not to lie on me. I propose that we continue.

Sen. Ramlogan SC: Fair enough; let us continue.

Mr. Chairman: The result of the division taken on clause 5 are 15 votes in favour, 10 against and four abstentions.

Question agreed to.

Clause 5 ordered to stand part of the Bill.

Clause 5A.

Question proposed: That clause 5A stand part of the Bill.

Sen. Prescott SC: Mr. Chairman, in clause 5A, may I ask the hon. Attorney General to tell us: Is the objective of registration to register the dog or to register the ownership? What prompts the question is this—that if we are registering the dog, then if there is a change of ownership within the local area, there is no need for the incoming owner to register the dog all over again within that area. [Interruption] I do not mind repeating it.

Mr. Chairman: Sen. Prescott SC, you want to repeat that?

Sen. Prescott SC: Because it is really for the hon. Attorney General’s attention.
Mr. Chairman: I understand.

Sen. Prescott SC: I am saying, is the objective of 5A the registration of the dog or the registration of ownership of the dog? If the objective is to register the dog in the area, then when there is a change of ownership there is no need for the owner, on becoming the owner, to register the dog again in that area. Section 5A says if you become the owner, register your dog. If I sell the dog to the neighbour, does that new owner have to register the dog all over again?

Sen. Ramlogan SC: I think the intention is a bit of both, because you cannot register the dog in isolation without the owner. So you would have to say: Rover, Anand Ramlogan as owner, as the case may be. You have to. It is attached to liability.

Sen. Prescott SC: I wonder if the owner resides in a place different from the dog—

Sen. Ramlogan SC: I did not hear—if the owner resides in a place different from the dog?

Sen. Prescott SC: In a place different from the dog, yes. If he keeps the dog in another place, he has to register it in that place, we know that. So it is registered in two places?

Sen. Ramlogan SC: It may have to be.

Sen. Prescott SC: Sir, tell us what it is the Government wishes to do. Does it wish us to register dogs wherever they are or does it wish us to register owners wherever they are?

Sen. Ramlogan SC: No, the intention is—[Interruption]

Sen. Prescott SC: If you become the owner of a dog which is already registered in your area, are you required to register the dog as being resident in that area once again?

Sen. Ramlogan SC: I think the concern here would be with respect to the dog. So that you would register the dog in the district that the dog is residing in, because that is where it will pose the threat to the public, and that is the answer to that.

Sen. Maharaj: Sen. Prescott SC, for clarification—are you suggesting that where the owner resides and the dog resides are two different places?

Sen. Prescott SC: They may well be two different places.
Sen. Maharaj: So I have a dog, and I am keeping my dog somewhere else?

Sen. Prescott SC: You may well have good reason. [Laughter] For example, if you happen to be living in a separate habitation from your spouse—

Sen. Maharaj: Could you explain a scenario where—

Sen. Prescott SC: Yes, I am about to do so, Sir. If you happen to be living in a separate accommodation from your spouse, your dog may well remain with the spouse, not that you have given ownership of the dog. If you have two residences—

Sen. Maharaj: I am trying to understand where that scenario—

Sen. Prescott SC: If you have two residences, as some people do, maybe on both sides of the House, you may be there and the dog may be elsewhere.

Sen. Maharaj: So the spouse has custody of the dog?

Sen. Prescott SC: I beg your pardon?

Sen. Maharaj: The spouse would have custody of the dog?

Sen. Prescott SC: The ownership is what this is about. The custody might be there, but the ownership is what we are talking about.

Sen. Maharaj: I take your point.

Sen. Young: Through you, Mr. Chairman, just before the hon. Attorney General addresses the very pertinent issue being raised by the hon. Sen. Prescott SC, I think it is necessary that you take into consideration the second example that he has given. So you have Sen. Devant Maharaj owning the dog in the same area, because it says the local authority for the area where he resides, and he then sells it to Sen. Kevin Ramnarine, who also lives in the same local authority area.

The hon. Attorney General said a short while ago that it does not matter, because it is to address the dog and where the dog resides, but it cannot be, because it comes back to the liability. The dog is not the entity being held liable at the end of the day; it is the owner. The whole recourse of this legislation, as I understand it—and I could be sorely wrong 12 hours later—is that it is the owner to whom the liability attaches. So it has to go hand in hand. It has to be the owner and the dog.

Sen. Ramlogan SC: Yes, it must. That is correct.

Sen. Prescott SC: May I just for completeness, ask you to look at section 6(4) of the Act which says the owner shall notify the local authority where he changes his residence.
Sen. Ramlogan SC: Yes, I see. I understand the point you are making.

Sen. Prescott SC: Can you do something about it? Are you permitted to do something about it?

Sen. Ramlogan SC: Well, it is a rather innocuous provision when one thinks about it. What you are saying is that the dog will have to be registered where the dog resides. Your point is the owner of the dog, for a variety of reasons, may have to change residence and the dog owner may have to then notify people. I would leave it, and I will tell you why I would leave it, Senator.

It may be of interest to the State to know that a man who you give a licence for a class A dog, leaves the dog somewhere else with somebody who does not have a licence, who may not be trained, as Sen. Dr. Mahabir advocated, who may not have been trained to own and manage in a responsible way a dangerous dog, and he suddenly leaves that with whom, we do not know, and goes elsewhere to live. So that it may act as a useful administrative prompt to the local authority that maybe we need to check up on that dog, and when they go there, they may very well find that a gang leader gave it to a gang man, “all kinda ting”. So I would leave it as is for now. I do take on board your point that it is possible to have the owner in a different location. Perhaps someone like a pilot, someone working— you know what I mean—fellas living south renting Port of Spain; all sorts of things.

1.55 a.m.

Sen. Prescott SC: The purpose of this section therefore is that each change of ownership requires a change of registration, is that it?

Sen. Ramlogan SC: Yes.

Sen. Prescott SC: Is that language not simpler than what you have here?

Sen. Ramlogan SC: Well, if we make laws too simple, then lawyers would not have work, you know. But to answer the thing, I do not think as it stands, Sen. Prescott, it creates an insurmountable problem. But what I will say is this though, in the regulations to treat with the issue of registration I will take on board the point you have made. Yes, because I hear you.

Mr. Chairman: The question is that clause 5A now stands part of the Bill.

Question put.

Sen. Cudjoe: No, division.
The Committee divided: Ayes 16  Noes 6
AYES
Singh, G.
Coudray, Ms. M.
Ramlogan SC, A.
Howai, L.
Griffith, G.
Hadeed, G.
George, E.
Tewarie, Dr. B.
Bharath, V.
Moheni, E.
Lambert, J.
Maharaj, D.
Ramnarine, K.
Burke, Abp. B.
Mohammed, N.
Prescott SC, E.
NOES
Al-Rawi, F.
Henry, Dr. L.
Cudjoe, Miss S.
Singh, A.
Cummings, F.
Young, S.

The following Senators abstained: S. Ramkhelawan, Mrs. H. Drayton, Dr. R. Balgobin, Dr. D. Mahabir, D. Small and HRI. Roach.
Question agreed to.

Clause 5A ordered to stand part of the Bill.

Clause 6.

Question proposed: That clause 6 stand part of the Bill.

Sen. Prescott SC: I wish to be heard on clause 6, please?

Mr. Chairman: Sen. Prescott.

Sen. Prescott SC: May I draw your attention to what may be called 7(c).

Sen. Ramlogan SC: Clause 7(c)?

Sen. Prescott SC: Well, the one that reads: “in subsection 5”—if you turn over to page 4.

Sen. Al-Rawi: Clause 7(c)

Sen. Prescott SC: It is really clause 6, and the reference is to section 7 of the Act, (c). The one that speaks about conviction, et cetera.

Sen. Al-Rawi: Clause 6 of the Bill.

Sen. Prescott SC: Clause 6 paragraph (c), which reads: “in subsection (5)(a)(ii), by inserting after the word ‘application’ the words ‘and he has not been convicted…”


Sen. Prescott SC: I am much obliged. Now, when we say “he has not been convicted of a criminal offence”, do weu mean since the date of the application?

Sen. Ramlogan SC: No, throughout he life.

Sen. Prescott SC: Really?

Sen. Ramlogan SC: Yes. That was a suggestion that emanated from the Opposition in the Lower House.

Sen. Prescott SC: He must never have had a conviction.

Sen. Ramlogan SC: Yes.


Sen. Ramlogan SC: Mr. Colm Imbert made this suggestion during the course of the debate in the Lower House.
Sen. Al-Rawi: I recall a caveat to it, but I will let you continue with that discussion and come in after.

Sen. Prescott SC: So, that if he has been pardoned, is he now clear?

Sen. Ramlogan SC: Well, if he is pardoned the conviction might not—

Sen. Prescott SC: No, he will still be a man who has been convicted.


Sen. Prescott SC: Is that not worthy of your consideration.

Sen. Ramlogan SC: In round two, that would be at the uppermost in my mind. [Laughter] I will note the number of people who have been convicted and pardoned and apply for licence. If the number crosses 10, I will come back to the Parliament on an emergency basis so they could treat with that problem.


Sen. Al-Rawi: Mr. Chairman, I will just note quickly, concerns in relation to section 7(1) that will be amended, just noting the conflict between “where he resides and the dog is kept”, that is to be introduced by clause 6(a)(1), which substitutes a new subsection (1). I would also note the issue of the class B dogs not being in provision in subsection (4). I am also suggesting that the regulation should be more prescriptive in section 7(4) of the Act and the amendment as proposed to the criminal conviction as touched on by my learned colleague, I am saying that that is too broad a provision under the criminal offence, because it is a very low bar, one may be convicted for things that, I think, are not of the type to debar someone's ownership of a dog.

I would also say that there are consequential amendments to be had in relation to other sections in section 7 of the Act, including the issue of ownership and the types of fines and fees paid there, and that there is a technology specificity in relation to the type of device, the metal label and badge that the dog is required to wear. I would also say that with respect to the inclusion of—the deletion of subsections (14) and (15), that there is a consequential amendment required in respect of what will be section 7(16) of the Act. It should be renumbered now as (13). I will say that the concept of wilfulness and recklessness should be included there, so that one is better taken care of in terms of the type of intention, animus that must be done in respect of the crime. I would add that section 7(16) which is to be renumbered consequentially as 7(14), has omitted the inclusion of subsection (14), that speaks to, removes or defaces the metal badge, microchip or other form of identification referred to in subsection (11). That subsection (11) does not refer to microchip. It is, in fact, subsection (14) that refers to that.
I would also say that there is an issue with respect to the proportionality of the offence of $50,000 and one year. I would also say that in the existing number (17), that is 7 subsection (17), there is a reference to section 5(a)(iv), which does not exist in the Act, and therefore, that ought to be struck off, and I am saying—I think that is it. So, I am just noting that for the record.

**Sen. Ramlogan SC:** Yes, and we are grateful.

**Mr. Chairman:** The question is that clause 6 now stand part of the Bill.

*Question put.*

**Sen. Cudjoe:** No, division.

*The Committee divided: Ayes 16 Noes 7*

AYES

Singh, G.

Coudray, Ms. M.

Ramlogan SC, A.

Howai, L.

Griffith, G.

Hadeed, G.

George, E.

Tewarie, Dr. B.

Bharath, V.

Moheni, E.

Lambert, J.

Maharaj, D.

Ramnarine, K.

Burke, Abp. B.

Mohammed, N.

Prescott SC, E.
The following Senators abstained: S. Ramkhelawan, Mrs. H. Drayton, Dr. R. Balgobin, Dr. D. Mahabir, and D. Small.

Question agreed to.

Clause 6 ordered to stand part of the Bill.

Clause 7.

Question proposed: That clause 7 stand part of the Bill.

Sen. Al-Rawi: For the purposes of the record, Mr. Chairman, if I may indicate, with respect to the proposed amendments by clause 7 which affects section 8 of the Act the following:

1. the word “keeper” should be redacted and replaced by the words “person with responsibility for the Class A dog”;
2. the reference to “Ministry” in 8(1) ought to be amended to take care of the dilution and breach of the THA’s independence in respect of standing alone away from the Ministry of Local Government;
3. subsection (2) which is specifically amended, I wish to put on the record that this affects the right to property in section 4 of the Constitution, therefore requiring a three-fifths majority in my humble respectful view;
4. I am saying in respect of the concept of giving a dog to a person in subparagraph (a) and (b) as is proposed to be inserted in the new subsection (2), that one should look to some degree of parity with section 21(1)(b) of the Act, which proposes the ability to sell and therefore make a realizable profit for value on the dog, providing further revenue to the local government authorities; and
5. I wish to state in respect of the new subsection (3) inserted there that the time frame of seven days is by far too short and that it may cause problems and it should be extended. Those are my submissions.
Mr. Chairman: Sen. Prescott.

Sen. Prescott SC: I am grateful to you. Firstly in 7, if we look at what would now be section 8(2)(a), the use of the term, “who is able to care” and compare it with clause 10 at 12(c)(a)—if you look at the top of page 6, two terms are being used interchangeably, at one stage it is, “who will care” and the other is “who is able to care”, do you mean to make that distinction?

Sen. Ramlogan SC: What is it?

Sen. Al-Rawi: The wording being, “who will care properly”.

Sen. Ramlogan SC: Is it that the word “properly” is used?

Sen. Prescott SC: No, the term “is able to care”, appears in (a).

Sen. Ramlogan SC: “Who is able to care” and “who will care”.

Sen. Prescott SC: Thereafter you used “will care” and my question is, do you mean to use those interchangeably or do you mean two different things?

Sen. Ramlogan SC: No, we meant to use that deliberately because we thought that someone who is able to care will result in someone who will care.

Sen. Prescott SC: Really?

Sen. Ramlogan SC: Yes.

Sen. Prescott SC: So, that when you use “will care” you mean “is able to care”?

Sen. Ramlogan SC: Yes.

Sen. Prescott SC: And when you use “is able to care”, you mean “will care”?

Sen. Ramlogan SC: Yes.

Sen. Prescott SC: Do you really want to be seen as having passed legislation like that?

Sen. Ramlogan SC: Well, yes, I thought—[Interruption]

Sen. Prescott SC: You do not find that is looking clumsy?

Sen. Ramlogan SC: Listen, this is about a dog that is given up to the Ministry for possession and it says, “give the dog to a person who is able to care properly for the dog”. “I ain’t see nothing wrong with that.”
Sen. Prescott SC: Okay, just two pages down it says, “give the dog to a person who will care”, as though you meant to impose a positive responsibility on that person to take care. Not that the person has the ability only, but that the person has agreed to do it.

Sen. Ramlogan SC: I take the point. So, the ability to care for the dog and caring for the dog—[Interruption]

Sen. Prescott SC: Does not mean—the person may be reluctant to do it.


Sen. Prescott SC: So, I am saying please address this and see what you can do.

Sen. Ramlogan SC: I have a blue ink and a red ink pen, I am going to make a note in the red ink on that one because in round two I will definitely make the language uniform to ensure that the caring is not just about the ability to care, but in fact the positive obligation to, in fact, care, Senator.

Sen. Prescott SC: Thank you.

Sen. Ramlogan SC: Thank you very much, I take the point.

Sen. Prescott SC: I move to another, in paragraph 3 of that clause—[Interruption]

Sen. Ramlogan SC: If you care to take me to it, yes.

Sen. Prescott SC: The one that reads, “Where the Class A dog has not been given to a person or an establishment under subsection (2) within seven days…”

Sen. Ramlogan SC: Yes.

Sen. Prescott SC: I have suggested that you amend it to say “within seven days of the transfer of the possession of the dog” so that one knows what you are counting from or where you are counting from. It seems to me that that is a very difficult change to make but you would like to do it.

Sen. Ramlogan SC: “Where a Class A dog…”

Sen. Dr. Balgobin: Chairman.

Sen. Prescott SC: I concur with that, it is in writing, “Where the Class A dog has not been given to a person or an establishment under subsection (2) within seven days…” you say. I say, “within seven days” of something, and it is the transfer of possession of the dog.

Sen. Dr. Balgobin: Chairman! Chairman!

Mr. Chairman: Sen. Balgobin.

Sen. Dr. Balgobin: Why am I hostage to this process of no amendments being taken but people reading out what they want to amend. Why can we not submit these amendments to the hon. Attorney General as we have done before? It being on the record is of no consequence we are in committee stage. Why do we not just submit the amendments to the Attorney General? As he says in round two, we will bring these amendments forward and treat with them.

Mr. Chairman: The amendments put before here form part of Hansard.

Sen. Dr. Balgobin: Why am I sitting here and going through this pointless exercise? It is an absolute abuse of time and manpower. I advocate that we invite people to submit their further amendments and the Attorney General can commit to a time frame to come back.

Mr. Chairman: Well, the Chair has to conform to the wishes of the House.

Sen. Dr. Balgobin: Through you, I am asking you to persuade the House.

Mr. Chairman: I see and therefore at this point, I am still abiding by the wishes of the House which is to go through clause by clause.

Sen. Dr. Tewarie: Mr. Chairman, we on this side are of that view.

2.10 a.m.

Sen. Dr. Balgobin: Therefore, Chairman, through you, may I seek to persuade the House to reconsider its earlier position—

Mr. Chairman: And I can ask the question—

Sen. Prescott SC: Mr. Chairman, may I ask you to look at Standing Order 53?

Mr. Chairman: Standing Order 53?

Sen. Prescott SC: Yes. It says you must do it clause by clause.

Mr. Chairman: Yes. And if that is your wish, then that is what this House will continue to do.

Sen. Ramlogan SC: No, but we are doing it clause by clause, man. Let us take our time and do this thing properly.

Sen. Prescott SC: I am good until six o’clock.
Sen. Ramlogan SC: Well, yeah. Chair, to just respond, I think it is fair—look, as a matter of practical administration the seven days must count from the date that they take possession or the dog is transferred to them. But I understand your concern. I have taken note of it and we will, in fact, in the review process, address it in due course. All right?

Sen. Prescott SC: The language is there—

Sen. Ramlogan SC: Yeah, I know. It is a question of the drafting; how it is drafted.

Sen. Prescott SC: Thank you very much, Mr. Chair.


Question put.

Sen. Cudjoe: No, division.

The Committee divided: Ayes 15 Noes 7

AYES

Singh, G.

Coudray, Ms. M.

Ramlogan SC, A.

Howai, L.

Griffith, G.

Hadeed, G.

George, E.

Tewarie, Dr. B.

Bharath, V.

Moheni, E.

Lambert, J.

Maharaj, D.

Ramnarine, K.

Burke, Abp. B.

Mohammed, N.
Mr. Chairman: I might say, to relieve the pain of Sen. Balgobin, I have advocated at least with one small measure, that we should introduce technology and therefore you could press a button rather than us having to go through—

Sen. Balgobin: Thank you, Mr. Chairman. Thank you.

Question agreed to.

Clause 7 ordered to stand part of the Bill.

Clause 8.

Question proposed: That clause 8 stand part of the Bill.

Sen. Al-Rawi: Mr. Chairman, I just wish to note the amendment as proposed to section 9(3) of the Act to allow an officer of the local authority or constable—may, upon producing duly authenticated document showing authority, enter premises. I wish to point, for the record, that I consider that this affects the right of property and securing property. There is no caveat in respect of the presence of an adult, et cetera. Perhaps the rules and regulations may deal with that, but I consider that to be, again, supportive of the need for a three-fifths majority. And there is concern as to the proportionality of the $50,000 and one year for imprisonment, at the end in section 9(6) of the Act, and I wish that for the record. Thank you, Mr. President.

Question put.


The Committee divided: Ayes 15 Noes 6
AYES
Singh, G.
Coudray, Ms. M.
Ramlogan SC, A.
Howai, L.
Griffith, G.
Hadeed, G.
George, E.
Tewarie, Dr. B.
Bharath, V.
Moheni, E.
Lambert, J.
Maharaj, D.
Ramnarine, K.
Burke, Abp. B.
Mohammed, N.

NOES
Al-Rawi, F.
Henry, Dr. L.
Cudjoe, Miss S.
Singh, A.
Cummings, F.
Young, S.

The following Senators abstained: S. Ramkhelawan, Mrs. H. Drayton, Dr. R. Balgobin, E. Prescott SC, Dr. D. Mahabir, HRI Roach.

Question agreed to.

Clause 8 ordered to stand part of the Bill.
Clause 9.

*Question proposed:* That clause 9 stand part of the Bill.

**Sen. Prescott SC:** Much obliged. I am referring to clause 9(c). I have prepared a written amendment.

**Mr. Chairman:** You circulated it?

**Sen. Prescott SC:** It has been circulated. It reads: We are at clause 9, are we not?

**Mr. Chairman:** Yes.

**Sen. Prescott SC:** Which amends section 11? I am saying instead of their (c) that is subsection (4)(b)—have you seen it, Chairman?

**Mr. Chairman:** I now have it in front of me.

**Sen. Prescott SC:** Much obliged.

**Sen. Ramlogan SC:** All we need to do with this clause is to insert “livestock or other animal”.

**Sen. Prescott SC:** Yeah.

**Sen. Ramlogan SC:** Like “yuh doh” like the drafting, is it? Is it just the drafting or is there anything additional you are putting in? It seems to be the construction of it.

**Sen. Prescott SC:** It seems so, yes.

**Sen. Ramlogan SC:** Well, if I may, we can probably take that on board and we can look at perhaps whether the sentence construction is one that can be improved when we are reviewing these things. All right?

**Sen. Prescott SC:** Okay.

**Sen. Young:** Mr. Chairman, through you, hon. Attorney General, I had raised in my debate contribution, if you go to section 11 of the Act, if you are making that change, it is my respectful submission—if you are making that change proposed that we are considering now in the Bill, you also have to make a similar change to the Act at section 11(5) and add in “livestock or other animal” after “or injury to a person” in line four, and the person or owner, you must add in “or owner of the livestock or other animal” as well. So maybe you can make a note of that and consider it when you—
Sen. Ramlogan SC: Thank you very much, Senator.

Sen. Al-Rawi: If I could ask also that the hon. Attorney General note the following concerns: With respect to clause 9 of the Bill which amends section 11 of the Act, that the first issue is the disproportionality in the use of $75,000 and three years. I respectfully suggest that in 11(2) that a person shall not keep a class A dog unless there is in force a policy of insurance; that it is important to put a caveat that he should not wilfully and knowingly keep that dog in that condition. It should not just be as blanket an exception as that, in light of the fact that insurance policies may be cancelled without the knowledge of the owner of the dog. So, therefore, the strictness of that liability ought to be contemplated. It is in the context of that not being contemplated that the offence therefore becomes disproportionate and it is excessively criminalized.

I also wish to point out, with respect to subsection (5) of section 11 of the Act, that the making of the insurer obliged to pay the owner of the institution medical expenses is something that is entirely awkward in law and, I dare say, disproportionate in law, number one, because it goes beyond the extent of the $250,000 limitation. There is no cap to that insurance and it constitutes strict liability on the part of the insurer to pay something beyond the terms of the limit of the insurance policy.

For those reasons, I think that that clause is also disproportionate and is liable to be struck out. Those are my submissions.

Question put.


The Committee divided: Ayes 15 Noes 6

AYES
Singh, G.
Coudray, Ms. M.
Ramlogan SC, A.
Howai, L.
Griffith, G.
Hadeed, G.
George, E.
Tewarie, Dr. B.
Bharath, V.
Moheni, E.
Lambert, J.
Maharaj, D.
Ramnarine, K.
Burke, Abp. B.
Mohammed, N.

NOES
Al-Rawi, F.
Henry, Dr. L.
Cudjoe, Miss S.
Singh, A.
Cummings, F.
Young, S.

The following Senators abstained: S. Ramkhelawan, Mrs. H. Drayton, Dr. R. Balgobin, E. Prescott SC, Dr. D. Mahabir, D. Small, HRI Roach.

Question agreed to.

Clause 9 ordered to stand part of the Bill.

Clause 10.

Question proposed: That clause 10 stand part of the Bill.

Sen. Al-Rawi: Mr. Chairman, if I could invite the following reflections. Clause 10 of the Bill seeks to amend section 12 of the Act. It is my submission that the introduction of 48 hours into subclause (1), where a policy of insurance required under section 11 is no longer in force, that the owner of the class A dog in respect of that policy is issued shall, within 48 hours, excluding so and so, inform the local authority. I think that it is important to put the position of knowledge again into that subclause and, therefore, consequentially, in subsection (2)—that is 12(2)—the revocation should be, in my humble submission, after notice has been provided. I think there is a reference in the Act later on to notice,
but it should be tied into there. And that the imprisonment of one year and $50,000 therefore falls to be questioned on a disproportional basis because of the lack of a caveat in respect of wilful knowledge and also the failure to introduce notice requirement.

This subclause also proceeds—this clause 10 also proceeds to amend section 12(4)(a) and (b) and to strike off subsection (5) and to introduce a new subsection (5). I am suggesting that the subsection (5) that is inserted and (6), both touch and concern the right to property under the Constitution, in particular section 4 of the Constitution, and for that purpose, it is therefore a requirement for a three-fifths majority again.

I also consider that the issue of the use of the word “give” in the new subsection (5), both in subparagraph (a) and (b), could be tied into section 21 which proposes the ability to sell and therefore realize value for the dog, as is proposed in section 21 of the Act. And I think that the time frame of seven days, firstly is not pegged—that is in the new subsection (6). Firstly it is not pegged to an event marker, so I wish to borrow the recommendations of Sen. Prescott in saying that it should be of the date. There must be a marker date from which the time counts and, secondly, that that period of seven days is too short. Those are my submissions.

Sen. Prescott SC: I, too, think that we should have an event, that is to say, within 48 hours of an event, that is to say the notification to the insured person that the policy is no longer in force. I think that is essential consideration for that section 12(1).

Sen. Ramlogan SC: A notification of what, sorry?

Sen. Prescott SC: That the policy is no longer in force.

Sen. Ramlogan SC: You mean notification by the insurance company?

Sen. Prescott SC: To the insured, yes, that the period of 48 hours should run from the notification.

2.25 a.m.

Sen. Ramlogan SC: But you see—let us just analyze what you all are saying. The law is mandating you have insurance for your pit bull. You are saying that if you take out that insurance and the policy comes to an end—[Interruption]

Sen. Prescott SC: No! That is the distinction I am making. The fact that it is no longer in force does not mean that there has been an effluxion of time.
Sen. Al-Rawi: That is right. It could just be revoked.

Sen. Prescott SC: It could be revoked. Any number of activities could lead to it being no longer in force. It is within the insurer’s knowledge and not the insured.

Sen. Ramlogan SC: No, but they will have to tell you, they will have to inform you.

Sen. Prescott SC: Therefore, we must say it and the time runs from the date he becomes aware of it.

Sen. Ramlogan SC: No, but knowledge cannot run, except from the time it is communicated to you. You cannot be—[Interruption]

Sen. Prescott SC: AG, all I am saying is this does not say that. It says within 48 hours of it being no longer in force. So if it ceases to be in force on the 24th, time has begun to run. He becomes aware of it on the 30th, time has already run.

Sen. Ramlogan SC: Well, okay, I understand. But let me just say for the record, the time should run from when it is communicated, and it is a matter that I have taken note of.

Sen. Prescott SC: How does that find its way into this legislation?

Sen. Ramlogan SC: Well, I have taken note of your concern, but I think—[Interruption]

Sen. Prescott SC: But how does it find its way into the legislation?

Sen. Ramlogan SC: Well, in the review we will deal with it.

Sen. Prescott SC: We will put it in?

Sen. Ramlogan SC: Yes. But in the meantime one should act responsibly when taking out insurance to make sure that they communicate with their insurance company.

Hon. Senator: But they do that.

Sen. Ramlogan SC: They do, they do, they do, they do. All right, Chair. Let us move on, Chair.

Mr. Chairman: You had something else, Sen. Prescott, or—your light just went off.

Question put.
Sen. Cudjoe: Division.

The Committee divided: Ayes 15  Noes 6

AYES
Singh, G.
Coudray, Ms. M.
Ramlogan SC, A.
Howai, L.
Griffith, G.
Hadeed, G.
George, E.
Tewarie, Dr. B.
Bharath, V.
Moheni, E.
Lambert, J.
Maharaj, D.
Ramnarine, K.
Burke, Abp. B.
Mohammed, N.

NOES
Al-Rawi, F.
Henry, Dr. L.
Cudjoe, Miss S.
Singh, A.
Cummings, F.
Young, S.

The following Senators abstained: Mrs. H. Drayton, E. Prescott SC, Dr. D. Mahabir, D. Small, HRI Roach, S. Ramkhelawan, Dr. R. Balgobin.
Question agreed to.
Clause 10 ordered to stand part of the Bill.

Clause 11.

Question proposed: That clause 11 stand part of the Bill.

Sen. Prescott SC: Mr. Chairman, I have circulated an amendment.

11(a) Delete and substitute:

(3) Where the insurer is joined as a co-defendant or is required to make a payment to any person under a policy of insurance issued under this Act, he shall be liable, subject to subsection (2), to satisfy the judgment that may be obtained against the insured in addition to all costs and interest payable in respect of such judgment and any other costs for which the insured may be made liable.

Sen. Ramlogan SC: This is the Stafford Hosein-type clause.

Sen. Prescott SC: Beg your pardon.

Sen. Ramlogan SC: This is the Molly Stafford Hosein-type clause with the interest and the costs included. I take the point, but the $250,000 whether it should be exclusive of the interest and the costs.

Sen. Al-Rawi: If I could make the point, I was—[Interruption]

Sen. Prescott SC: You will stick it in somewhere?

Sen. Ramlogan SC: Yes. I am familiar with it. I did that case in the Privy Council myself and I am familiar with the formulation and, yes, it might very well be that it should be usefully so.

Sen. Al-Rawi: Okay. I was going to concur for the record with Sen. Prescott’s recommendation. I am concerned that the liability that is proposed inside of section—that is of the Act—3 as is proposed to be amended, that the cap of liability needed to be taken care of, which is where Sen. Prescott’s position comes in, and that—sorry. The next one is another clause. So those are my submissions.

Sen. Prescott SC: Chairman, may I just point out to the hon. AG that in section 13(3) of the Act, there is a reference to section 11(4), a person being entitled under section 11(4), and my reading of 11(4) does not give any entitlement to anyone.

Sen. Prescott SC: Thank you.

Question put.

Sen. Cudjoe: Division.

The Committee divided: Ayes 15 Noes 5

AYES
Singh, G.
Coudray, Ms. M.
Ramlogan SC, A.
Howai, L.
Griffith, G.
Hadeed, G.
George, E.
Tewarie, Dr. B.
Bharath, V.
Moheni, E.
Lambert, J.
Maharaj, D.
Ramnarine, K.
Burke, Abp. B.
Mohammed, N.

NOES.
Al-Rawi, F.
Cudjoe, Miss S.
Singh, A.
Cummings, F.
Young, S.
The following Senators abstained: S. Ramkhelawan, Mrs. H. Drayton, Dr. R. Balgobin, E. Prescott SC, D. Small, HRI Roach.

Question agreed to.

Clause 11 ordered to stand part of the Bill.

Clause 12.

Question proposed: That clause 12 stand part of the Bill.

Sen. Al-Rawi: Mr. Chairman, I wish to put on the record that the amendment to section 14(1) of the Act, which proposes striking the word “private” and instead putting the word “enclosed” there, now puts a very tortuous and onerous responsibility for someone to enclose their entire premises. So be it a farm, a compound or anything, it is now a positive obligation in law, that you enclose the premises. I wish to also state that this, again, this particular section 14 affects the right to property and that, therefore, again, it calls in here the need for a three-fifths majority.

I wish to also point out that subsection (5) as it is proposed to be amended by this clause while it is on those premises:

“Where a class A dog enters onto private premises, the owner of the dog...of those premises may destroy the dog.”—while it is on those premises.

Again, the destruction of property is a specific derogation from a property right under section 4 of the Constitution, and this is further aid of the need for a three-fifths majority. Those are my submissions.

Sen. Prescott SC: Chairman, I too have circulated an amendment and what is means is that whereas now it is proposed that 14(1) should read:

A person who owns or keep a class A dog shall keep that dog under control in his enclosed premises.

I think that the word “his” should also be deleted because there is no requirement that the owner should keep the dog in his place, so long as it is enclosed. It need not be owned by him.

Sen. Ramlogan SC: Well, it may very well be that this might answer your earlier concern, you know, about the man not keeping the dog where he is living.

Sen. Prescott SC: No, it does not.

Sen. Ramlogan SC: Well, if he has to keep it in his enclosed premises.
Sen. Prescott SC: And I am saying he should not be required to keep it in his enclosed premises.

Sen. Ramlogan SC: But why not?

Sen. Prescott SC: He may keep it in enclosed premises. The whole purpose of it is not to permit the dog to get out and do some damage.

Sen. Ramlogan SC: I know. But why should it not be his enclosed premises? If we are imposing a fencing requirement on you and so on, why should you be allowed to own a dangerous dog but not keep it in your own place?

Sen. Prescott SC: Let us look at it this way.


Sen. Prescott SC: So, why can it not be in his brother’s premises?

Sen. Ramlogan SC: Because his brother did not apply for a licence to keep a dangerous dog.

Sen. Prescott SC: Well, Sir, you see, what we are concerned about is the dog, not the man. We want to register the dog where the dog is. We want to keep the dog in enclosed premises.

Sen. Ramlogan SC: But you see it is difficult to divorce the two because the licensee is the man who applied and get the licence to own and manage responsibly the dog, or else you are treading on—I mean for me, you are skating on thin ice. Or else, you are facilitating a situation where everybody could apply for a licence, get a dangerous dog to own it, and then give their brother it and the brother might be a person with a conviction, a gang leader, a gang member.

Sen. Prescott SC: And there is a law against that.

Sen. Ramlogan SC: Against what?

Sen. Prescott SC: Against gang leaders keeping dogs.
Sen. Ramlogan SC: Ha! No, no, no. The restraint is against them getting a licence to own the dog, you follow. But he could get his brother to apply for it and then give it to him, and he is keeping it in his place. He will be the de facto owner of the dog.

Sen. Prescott SC: So you want it in his enclosed premises.

Sen. Ramlogan SC: Yeah, yeah. If you have enough to apply for a licence and carry dog by vet and so on, you should have enough money to have your own place to keep the dog in.

Sen. Prescott SC: Hear this one final, Mr. Chairman. Company A that owns dogs may take that dog to premises for the purpose of being a watchman for the night and keep it on enclosed premises. It is not his enclosed premises. They are his client’s enclosed premises.

Sen. Ramlogan SC: But remember we made an exception for that.

Sen. Prescott SC: What the country is concerned about is that the dog remains secure within premises that are enclosed.

Sen. Ramlogan SC: It is a little more than that, you know.

Sen. Prescott SC: The owner does not have to be the owner of those premises.

Sen. Ramlogan SC: It is a little more than that. I will tell you why. You see, Sen. Prescott, dogs have an affinity and respond to the owner. If every time a dog is kept in a place that does not belong to the owner, it increases the risk as far as I am concerned because if the dog gets away—as situations have actually occurred—the amount of people could be calling that dog and trying to stop the attack and they cannot, because the dog will not respond in the same way as it will to the owner’s call and the owner’s voice.

Sen. Prescott SC: I will make one final response. There are people who conduct the business of renting dogs or hiring them—[Interruption]

Sen. Ramlogan SC: Renting dogs?

Sen. Prescott SC: Well, I am using the wrong terms. They provide security services at enclosed premises.


Sen. Prescott SC: So the owner employs a man who has control of the dog, and he keeps that dog for the night on enclosed premises—[Interruption]

Sen. Prescott SC:—in the custody of the employee.

Sen. Ramlogan SC: So you are thinking about the security—oh, you mean the security guard can carry home the dog?


Sen. Ramlogan SC: I do not think I want to encourage that, you know.

Sen. Prescott SC: He is not carrying it home. He is there on enclosed premises not owned by the owner—[Interuption]

Sen. Ramlogan SC: You mean he is guarding somewhere?

Sen. Prescott SC: Yes.


Sen. Prescott SC: The dog is in enclosed premises—[Interuption]


Sen. Prescott SC:—and the owner is in his premises, but he does not have to own those premises.

Sen. Ramlogan SC: All right. We will have to look at it carefully.

Sen. Prescott SC: You cannot delete the word “his”? 

Sen. Ramlogan SC: We will have to look at it. I may have to carve out an exception to deal with the security-type situation—[Interuption]

Sen. Prescott SC: Round three.

Sen. Ramlogan SC:—but I am not prepared to remove the word “his” because the intention would be that really and truly is should really be his premises. But in the case of a security company, I see your point and we can look at it. Perhaps in the regulations we can flesh it out.

Sen. Prescott SC: Round three?


Sen. Cudjoe: Mr. AG, how does this work out for like doggie day care or if you are travelling out of the country—[Interuption]

Sen. Ramlogan SC: What is that? Doggie—[Interuption]
Sen. Al-Rawi: Doggie day care.


Sen. Cudjoe:— and you want to leave your dog with a neighbour or friend who has the proper premises also, how does that work?

Sen. Ramlogan SC: Well, right now I am dealing with the Children Act and we are looking at daddy day care. I have not really gotten around to the doggie day care as yet, but I want to say—[Interruption]

Sen. Cudjoe: No, no. I raised two separate issues.

Sen. Ramlogan SC: No, no, but I am raising two as well, daddy day care and doggie day care, and I am saying that the Government’s priority is looking at early childhood care centres and daddy day cares because we want to encourage fathers to play a role in the lives of children, and the former Minister of Culture, Winston “Gypsy” Peters, he made an interesting statement about that recently, about fathers having to play a role in day care and babysitting their children. So they will bond with them. We intend, when that takes place to transmit that to the relationship between the dogs and the owners, so that they will have the kind of love and day care that is required and the neighbours will undergo a process of training so that when the neighbour wants to leave their dog with the neighbour, the neighbour will be sufficiently trained to provide day care for the dog when they are going away. I do not know if she is serious. She raised it.

Sen. Cudjoe: No, I am very serious.

Sen. Ramlogan SC: No, I too. Sen. Ramkhelawan was being a bit thing there, man.

Sen. Cudjoe: No, Mr. AG, seriously, I have seen this operate in Florida.

Sen. Ramlogan SC: Sure, sure. Florida?

Sen. Cudjoe: Okay. You are not taking any amendment, I will leave you alone.

Sen. Ramlogan SC: No, no, no, but it is an interesting point.

Sen. Cudjoe: Forget it, AG.

Sen. Ramlogan SC: We will consider the question of doggie day care centres in due course, but not now.
Sen. Cudjoe: Mr. AG, what about when you leave the dog with a neighbour or a friend—I am alluding to the same point that Sen. Prescott raised. If that person has a similar dog and has similar premises, the recommended premises as mentioned in the legislation, how does the legislation work in that regard, if you understand what I am saying?

2.40 a.m.

Sen. Ramlogan SC: Well, remember they could always leave the dog with a proper establishment like the vets who have animal hospitals, and that is where people normally leave their dogs. Because, if your neighbour assumes the risk and responsibility for taking your pit bull when you go away, that is a dangerous situation, let them put it by the vet. We have made provision for that and we have made special safeguards for the vets and the pet hospitals so let them put it there.

Sen. Cudjoe: Well, in this case, a vet or a pet hospital would be a doggie day care. Yeah? Thank you.

Sen. Ramlogan SC: No, the idea will be that they will keep them in the day as well as in the night.

Sen. Cudjoe: Thank you, AG.

Sen. Ramlogan SC: Yeah, you are welcome.

Question put.

Sen. Cudjoe: Division.

The Committee divided: Ayes 15 Noes 6

AYES
Singh, G.
Coudray, Ms. M.
Ramlogan SC, A.
Howai, L.
Griffith, G.
Hadeed, G.
George, E.
Tewarie, Dr. B.
The following Senators abstained: S. Ramkhelawan, Dr. R. Balgobin, E. Prescott SC, Dr. D. Mahabir, D. Small and HRI Roach.

Question agreed to.

Clause 12 ordered to stand part of the Bill.

Clause 13.

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

Mr. Chairman: Sen. Al-Rawi has no comment. Sorry, Sen. Prescott.

Sen. Prescott SC: Mr. Chairman, I am seeking to bring to the attention of the hon. Attorney General that in section 16(4) of the Act, you will note that there is a fine of $50,000 and imprisonment for one year. So I wondered why, in what is being recommended now for section 15(2), we seem to be imposing— [Interruption]
Sen. Ramlogan SC: Upping it to two years. No, because 15(2) deals with people who abandon their pit bull. We take a very strong and firm view that that is really an act of high social irresponsibility, and it can really lead to the death and destruction of innocent people, and we felt that the one year is too low, because we saw, even in today’s Express that people are doing it, notwithstanding the fact that they are invited to deposit the dog with the State.

So, in those circumstances, we have decided to double the penalty. If you go and let your pit bull loose in the streets as a way to abandon them and get rid of them, and you do not want to do the proper thing, well then, two years’ jail.

Sen. Prescott SC: You know, of course, that that means that the accused person may, in both cases, be fined the same amount.


Sen. Prescott SC: Notwithstanding that the offences are—[Interruption]

Sen. Ramlogan SC: It is a matter for the court’s discretion, yes.

Sen. Prescott SC: Okay, thank you.

Question put.

Sen. Cudjoe: Division.

The Committee divided: Ayes 15 Noes 6

AYES

Singh, G.

Coudray, Ms. M.

Ramlogan SC, A.

Howai, L.

Griffith, G.

Hadeed, G.

George, E.

Tewarie, Dr. B.

Bharath, V.

Moheni, E.
Lambert, J.
Maharaj, D.
Ramnarine, K.
Burke, Abp. B.
Mohammed, N.

NOES
Al-Rawi, F.
Henry, Dr. L.
Cudjoe, Miss S.
Singh, A.
Cummings, F.
Young, S.

The following Senators abstained: S. Ramkhelawan, Mrs. H. Drayton, Dr. R. Balgobin, E. Prescott SC, Dr. D. Mahabir, D. Small and HRI Roach.

Question agreed to.

Clause 13 ordered to stand part of the Bill.

Clause 14.

Question proposed: That clause 14 stand part of the Bill.

Sen. Al-Rawi: Mr. Chairman, I was going to allow my learned senior to speak before me but he did not. Section 14 proposes an amendment to section 18 of the Act. My submission in respect of section 18 is that this ties back to section 16(2) of the Act, and that I think that the Act does not go far enough to allow for control of a dog that has acted dangerously out of control on a previous occasion, and that the inclusion of simply the fact that the dog must be in premises which has a sign on it saying, appropriately, that the dog has behaved badly, that this should, in fact, be prescribed for registration in some form or fashion so that any breach by this dog, which has acted dangerously, albeit not a class A dog, could be attended to by the imposition of fines and penalties as prescribed by the Act in respect of class A dogs.

I also submit that the hon. Attorney General should have a look, when he is looking at things, at section 17 of the Act, even though it is not before us. There are a number of issues in respect of section 17 including an unconstitutionality that exists there for failure to have a notice or a caveat in respect of not being reported as reasonably as is practicable, and those are my submissions to the hon. Attorney General.

Question put.
Sen. Cudjoe: Division

The Committee divided: Ayes 15 Noes 6

AYES
Singh, G.
Coudray, Ms. M.
Ramlogan SC, A.
Howai, L.
Griffith, G.
Hadeed, G.
George, E.
Tewarie, Dr. B.
Bharath, V.
Moheni, E.
Lambert, J.
Maharaj, D.
Ramnarine, K.
Burke, Abp. B.
Mohammed, N.

NOES
Al-Rawi, F.
Henry, Dr. L.
Cudjoe, Miss S.
Singh, A.
Cummings, F.
Young, S.

The following Senators abstained: S. Ramkhelawan, Mrs. H. Drayton, Dr. R. Balgobin, E. Prescott SC, Dr. D. Mahabir, D. Small and HRI Roach.
Question agreed to.
Clause 14 ordered to stand part of the Bill.

Clause 15.

Question proposed: That clause 15 stand part of the Bill.

Sen. Al-Rawi: Mr. Chairman, if I may state in respect of clause 15 which proposes an amendment to section 19 of the Act that, firstly, section 19(1) of the Act proposes a division in logic. It says here:

“Where a class A dog injures a person, without reasonable cause whether in a public place or on private premises”—I am sure that there could be much more elegant terms than that, it could be any premises—that there be $100,000 and imprisonment for five years.

The fixation of “without reasonable cause” after the class A dog, I again suggest is inelegant suggesting an animus to the dog. I also suggest that this does not take care of dealing with a class B dog which has been guilty—if I could use that term—of aggressive tendencies as contemplated by the Bill and Act. In those circumstances, I think that the penalty as proposed, as high as it is,—five years’ imprisonment, $100,000—is disproportionate.

I also suggest that in respect of the inclusion, the insertion of a new section 3 which reads:

Where a class A dog injures or kills a person or animal causing death while on or outside private premises, the court may order the seizure and destruction of the dog where the attack was unprovoked or was encouraged or incited by another person to attack the person or animal injured or killed thereby.

I suggest that the inclusion of class B dog within the contemplation of section 16 and other sections should be considered here, and those are my suggestions in respect of clause 15 which deals with section 19.

Sen. Prescott SC: Mr. Chairman.

Mr. Chairman: Sen. Prescott SC.

Sen. Prescott SC: Much obliged. Hon. Attorney General, the first of my suggestion should be very easy for you to do: it is to remove the comma after the word “on” in line 3. But more substantively, it seems that what is intended by subclause (3), or subsection (3), if you like, is that the dog must kill you while you are on the premises or outside the private premises. You cannot go away and die at home.
Sen. Al-Rawi: Within a year and a day.

Sen. Prescott SC: It reads:

“Where a class A dog injures or kills a person or animal or causes the death of a person or animal while on, or outside…premises, the Court may order…”

Now, it must be that you intended that the fact of the dog causing the death will lead to the seizure, the person does not have to die on the premises. Would you want to consider removing those words?

Sen. Al-Rawi: And do you want to put in the caveat within a year and a day as for murder, or some kind of time frame, or the linking causation?

Sen. Ramlogan SC: Not the time frame, but I see what Sen. Prescott is alluding to, so we will take it on board in due course.

Sen. Prescott SC: Take it on board means we will change it at some later date.

Sen. Ramlogan SC: Well, when we come back upon review, these are matters that we will no doubt give attention to.

Sen. Prescott SC: Well, perhaps, you should put it on—I could mouth the words of Sen. Young, but I will wait.

Sen. Young: Hon. Attorney General, I am just trying, of course, this being my maiden and debut here, I am trying to understand what exactly is it meant by the Government when they say, “upon our review” or “on review”.

Sen. Ramlogan SC: It means that legislation such as this, which has to be administered and implemented, is likely to give rise to teething problems which will necessitate us having to review the legislation as we operationalize it and come back to Parliament.

Sen. Young: So, in other words, we are accepting and we are placing on the record here in the legislative Chamber that we accept that there are problems with this Bill that is about to become an Act, and we are saying, well, during the teething problem phase, we will deal with it and come back to Parliament at a later date to iron it out.

Sen. Ramlogan SC: I am not accepting for a minute that I see any merit in anything that you have said. I am saying that I am not prepared to accept any of the amendments today because I have not been sufficiently—[ Interruption]

Sen. Young: But you will consider it for a later stage if necessary.
Sen. Ramlogan SC: Yeah, because I have not been sufficiently persuaded that it is life threatening or urgent to justify legislative intervention at this stage.

Sen. Young: But, as I understand it, no matter how powerful our powers of persuasion or how well we think we may articulate it, it is not going to be given any consideration at this time.

Sen. Ramlogan SC: Well, it has less to do with the powers of persuasion as it has to do with the substantive content and merit of the proposals that have come forward.


2.55 a.m.

Mr. Chairman: I am sorry. Dr. Mahabir.

Sen. Dr. Mahabir: Hon. AG, I did not wish to enter this stage but—[ Interruption]

Sen. Ramlogan SC: “Ah want to grant yuh wish.”

Sen. Dr. Mahabir: Yes, but thank you very much.


Sen. Dr. Mahabir: I am alive and breathing. What I need clarification from you, hon. AG, is this—[ Interruption]


Sen. Dr. Mahabir:—in this particular section of the—[ Interruption]

Sen. Ramlogan SC: Yes.

Sen. Dr. Mahabir:—Bill, an individual whose dog escapes the compound and that individual is negligent and the dog injures or kills someone, is going to actually face a fine and an imprisonment term. I need clarification as to what crime has the individual committed and what crime will he be charged with?

Sen. Ramlogan SC: Do we have that—which crime will he be charged with?

Sen. Dr. Mahabir: Because hon. AG, you said you are not considering manslaughter or murder or criminal negligence or anything. I just need clarification as to the crime that the individual—because he has to commit a crime, hon. AG, for him to face a jail term and a fine.
Sen. Ramlogan SC: Well, we have created offences in this law to deal with that kind of situation. So they will be guilty of an offence under this Act. Okay.

Question put.

Sen. Cudjoe: Division.

The Committee divided: Ayes: 15 Noes: 8

AYES
Singh, G.
Coudray, Ms. M.
Ramlogan SC, A.
Howai, L.
Griffith, G.
Hadeed, G.
George, E.
Tewarie, Dr. B.
Bharath, V.
Moheni, E.
Lambert, J.
Maharaj, D.
Ramnarine, K.
Burke Abp., B.
Mohammed, N.

NOES
Al-Rawi, F.
Henry, Dr. L.
Cudjoe, Miss S.
Singh, A.
Cummings, F.
Young, S.
Drayton, Mrs. H.
Mahabir, Dr. D.
The following Senators abstained: S. Ramkhelawan, Dr. R. Balgobin, E. Prescott SC, D. Small and HRI Roach.

Question agreed to.

Clause 15 ordered to stand part of the Bill.

Clause 16.

Question proposed, That clause 16 stand part of the Bill.

Sen. Prescott SC: Chairman—[Interruption]

Mr. Chairman: Sen. Prescott.

Sen. Prescott SC:—once again, if the Attorney General could elucidate in section 20(2)(b) and (c), as proposed to be amended—[Interruption]


Sen. Prescott SC: The two terms are used and I am sure that there is a distinction—if you could just tell us what it is. In (b) you use the words: “under the care of” and in (c) you use “in his care” and unless you wish to make a distinction so that lawyers do not have a field day, I think they ought to be made consistent.

Sen. Ramlogan SC: “…under the care of…” as opposed to what? Sorry?

Sen. E. Prescott SC: “…in his care…” In (b), you say “…under the care of the person charged”.

Sen. Ramlogan SC: Ah ha.

Sen. Prescott SC: And in (c) you say “…in his care…” and I am thinking there must be two different states of mind, or two different conditions, not just different prepositions.

Sen. Young: Before you address that infer, hon. Attorney General, I refer you to part of my contribution during the debate. I have, respectfully, some issues with the same provisions that the hon. Sen. Prescott SC has referred us to and cannot understand why we would utilize this concept of limiting it to “under the care of the person charged”. You would recall in the debate I had referred to the drink I was sharing with my friend, the hon. Sen. Gary Griffith, on the other side, a drink of water and if he was not under my care, why should he be excluded? So perhaps that is something you can make a note of—I cannot remember if it is in the blue ink pen or the red ink pen—for future consideration.
Sen. Ramlogan SC: I think it is just a matter of how they drafted it but I do not think it really makes any grave difference. On the one hand, you have “any other person under the care of the person charged” and in the other one: “to fear an attack on himself, his spouse, his child or any other person in his care”. I mean, they really mean the same thing, you know. I mean, “under the care”, “in the care”, “whuh” is the difference, you know? The only difference here is you have “spouse” in the one “in his care.” “I doh know if da is whuh yuh alluding to.”

Sen. Al-Rawi: Mr. Chairman, could I also ask the hon. Attorney General to consider why it is we are limiting this to offences against the person and not also offences against property? Just a thought for consideration.

Sen. Ramlogan SC: Not just property—livestock and so on.

Sen. Al-Rawi: Yeah, because—well under “property” I meant chattel and other issues including livestock, et cetera.

Sen. Ramlogan SC: It is a matter I raised with them and it is a matter—we will limit it to the human beings first and we will build it out in the future perhaps.

Sen. Al-Rawi: Thank you.

Question put.

Sen. Cudjoe: Division.

The Committee divided: Ayes: 15 Noes: 6

AYES
Singh, G.
Coudray, Ms. M.
Ramlogan SC, A.
Howai, L.
Griffith, G.
Hadeed, G.
George, E.
Tewarie, Dr. B.
Bharath, V.
Moheni, E.
Lambert, J.
Maharaj, D.
Ramnarine, K.
Burke, Abp. B.
Mohammed, N.

NOES
Al-Rawi, F.
Henry, Dr. L.
Cudjoe, Miss S.
Singh, A.
Cummings, F.
Young, S.

The following Senators abstained: S. Ramkhelawan, Mrs. H. Drayton, Dr. R. Balgobin, E. Prescott SC, Dr. D. Mahabir, D. Small and HRT Roach.

Question agreed to.
Clause 16 ordered to stand part of the Bill.

Clause 17.

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

Sen. Al-Rawi: Mr. Chairman, if I may ask through you, to the hon. Attorney General, to consider the inclusion—this section 21 is limited to the aspects of a class A dog. One may wish to consider the same issue of the class B dog acting dangerously out of control on at least one occasion, who is recorded in that facet, as having done so. May I also invite the hon. Attorney General to the merit in section 21 which allows the authority to sell a dog. That is the first time we see that feature. That provides a realizable profit and form of revenue for the authority. I think that there is merit in that.

May I also point out that— that is it.
Question put.

Sen. Al-Rawi: Division.

The Committee divided: Ayes: 16 Noes: 6

AYES
Singh, G.
Coudray, Ms M.
Ramlogan SC, A.
Howai, L.
Griffith, G.
Hadeed, G.
George, E.
Tewarie, Dr. B.
Bharath, V.
Moheni, E.
Lambert, J.
Maharaj, D.
Ramnarine, K.
Burke Abp., B.
Mohammed, N.
Prescott SC, E.

NOES
Al-Rawi, F.
Henry, Dr. L.
Cudjoe, Miss S.
Singh, A.
Cummings, F.
Young, S.
The following Senators abstained: S. Ramkhelawan, Mrs. H. Drayton, Dr. R. Balgobin, Dr. D. Mahabir, D. Small and HRI Roach.

Question agreed to.

Clause 17 ordered to stand part of the Bill.

Clause 18.

Question proposed: That clause 18 stand part of the Bill.

Sen. Al-Rawi: Mr. Chairman—[Interruption] Sorry.

Sen. Prescott SC: I have circulated an amendment.

Sen. Ramlogan SC: I am not entertaining that one.

Sen. Al-Rawi: Mr. Chairman, therefore, with no replacement of seizing and substitution of the word “seizure” in line 3 of section 22(2), as proposed by Sen. Prescott SC, may I just peg here the need for a three-fifths majority insofar as the new section 22 in allowing a dog to be seized and then destroyed clearly involves a destruction of property within the context of section 4 of the Constitution, therefore requiring a three-fifths majority for this Bill. Thank you.

Mr. Chairman: We are seized of your position.

Sen. Al-Rawi: Thank you, Mr. Chairman.

Question put.


The Committee divided: Ayes: 15 Noes: 7

AYES

Singh, G.

Coudray, Ms. M.

Ramlogan SC, A.

Howai, L.

Griffith, G.

Hadeed, G.

George, E.

Tewarie, Dr. B.
Bharath, V.
Moheni, E.
Lambert, J.
Maharaj, D.
Ramnarine, K.
Burke Abp., B.
Mohammed, N.

NOES
Al-Rawi, F.
Henry, Dr. L.
Cudjoe, Miss S.
Singh, A.
Cummings, F.
Young, S.
Roach, HRI

The following Senators abstained: S. Ramkhelawan, Mrs. H. Drayton, Dr. R. Balgobin, E. Prescott SC, Dr. D. Mahabir and D. Small.

Question agreed to.
Clause 18 ordered to stand part of the Bill.

Clause 19.

Question proposed: That clause 19 stand part of the Bill.

Sen. Al-Rawi: Mr. Chairman, in respect of clause 19 which proposes an amendment to section 24 of the Act, I wish to put on record this section deals with the veterinary surgeon who keeps a class A dog being exempted from the Act, save for the qualifications provided by the insertion of the new subsections (2), (3), (4), (5) and (6). It is our respectful submission that the veterinary surgeon ought to be subjected to the same issues for insurance, et cetera, as raised by my learned colleague, Sen. Young, in his contribution and there is need for specificity in the new subsections (3) and (6) as to what the prescribed manner for keeping the dog is. Is it that we mean to say that the premises shall be secured in the same
manner or same fashion as if the dog was a class A dog? I think that the expression “prescribed manner” is vague, as set out in this particular amendment. Those are my submissions.

Mr. Chairman: The question is that clause 19—[Interruption]

Sen. Al-Rawi: Sorry, Mr. Chairman. And also to say that the prescription of the offence inside of here also falls into question as a result of an allegation as to disproportionality which may be made.

Question put.

Miss Cudjoe: Division.

The Committee divided: Ayes: 15 Noes: 6

AYES

Singh, G.

Coudray, Ms. M.

Ramlogan SC, A.

Howai, L.

Griffith, G.

Hadeed, G.

George, E.

Tewarie, Dr. B.

Bharath, V.

Moheni, E.

Lambert, J.

Maharaj, D.

Ramnarine, K.

Burke Abp., B.

Mohammed, N.
NOES
Al-Rawi, F.
Henry, Dr. L.
Cudjoe, Miss S.
Singh, A.
Cummings, F.
Young, S.
The following Senators abstained: S. Ramkhelawan, Mrs. H. Drayton, Dr. R. Balgobin, E. Prescott SC, Dr. D. Mahabir, D. Small and HRI Roach.

Question agreed to.
Clause 19 ordered to stand part of the Bill.

3.10 a.m.

Clause 20.

Question proposed: That clause 20 stand part of the Bill.

Sen. Al-Rawi: Mr. Chairman, with respect to clause 20, which deals with an amendment for the insertion of a new section 25A, I am suggesting here that the limitation only to pecuniary fine is problematic. I think that the—[Interruption]

Sen. Ramlogan SC: I noted that during your contribution and I think it is a pertinent observation.

Sen. Al-Rawi: Thank you.

Sen. Ramlogan SC: I would not say valid, pertinent.


While I am at it, if I may also invite you to consider section 25 itself and as to whether section 25A allows for section 5A of the Bill, which is that you must treat the dog carefully, only to prevail in respect of class A dogs, as opposed to class B dogs. What I am saying is that section 25, as it is currently drafted, of the Act, prescribes that you may treat a class A dog better than a class B dog and, therefore, owners of a class A dog are in a different treatment bracket from owners of a class B dog and one may argue, albeit on a reverse prejudice basis, that people in similar circumstances are not being treated similarly and, therefore, there is need for a three-fifths majority. I rest my case there.
Question put.

Sen. Cudjoe: Division.

The Committee divided: Ayes 15 Noes 8

AYES

Singh, G.
Coudray, Ms. M.
Ramlogan SC, A.
Howai, L.
Griffith, G.
Hadeed, G.
George, E.
Tewarie, Dr. B.
Bharath, V.
Moheni, E.
Lambert, J.
Maharaj, D.
Ramnarine, K.
Burke, Abp. B.
Mohammed, N.

NOES

Al-Rawi, F.
Henry, Dr. L.
Cudjoe, Miss S.
Singh, A.
Cummings, F.
Young, S.
Mahabir, Dr. D.
Roach, HRI
The following Senators abstained: S. Ramkhelawan, Mrs. H. Drayton, Dr. R. Balgobin, E. Prescott SC, D. Small.

Question agreed to.

Clause 20 ordered to stand part of the Bill.

Clause 21.

Question proposed: That clause 21 stand part of the Bill.

Sen. Al-Rawi: Mr. Chairman, if I could just state, clause 21 proposes an amendment to section 28 of the Act, bringing into parity the application of fines for a breach of regulations to the limit of $50,000. Whilst this is a laudable inclusion to take us out of the difficulties of the operation of the Interpretation Act, I wish to point out that keeping the breach of regulation fines at $50,000, equal to other offences may provide fuel for the disproportionality of offences with respect to the manner in which we criminalize certain effects, and, therefore, that that sum ought to be looked at with some better reflection. Thank you, Mr. Chairman.

Question put.

Sen. Cudjoe: Division.

The Committee divided: Ayes 15 Noes 6

AYES
Singh, G.
Coudray, Ms. M.
Ramlogan SC, A.
Howai, L.
Griffith, G.
Hadeed, G.
George, E.
Tewarie, Dr. B.
Bharath, V.
Moheni, E.
Lambert, J.
Dog Control (Amrd.) Bill, 2013

Maharaj, D.
Ramnarine, K.
Burke, Abp. B.
Mohammed, N.

NOES
Al-Rawi, F.
Henry, Dr. L.
Cudjoe, Miss S.
Singh, A.
Cummings, F.
Young, S.

The following Senators abstained: S. Ramkhelawan, H. Drayton, Dr. R. Balgobin, E. Prescott SC, Dr. D. Mahabir, D. Small and HRI Roach.

Question agreed to.
Clause 21 ordered to stand part of the Bill.

Clause 22.

Question proposed: That clause 22 stand part of the Bill.


The Committee divided: Ayes 18  Noes 7

AYES
Singh, G.
Coudray, Ms. M.
Ramlogan SC, A.
Howai, L.
Griffith, G.
Hadeed, G.
George, E.
Tewarie, Dr. B.
Bharath, V.
Moheni, E.
Lambert, J.
Maharaj, D.
Ramnarine, K.
Burke, Abp. B.
Mohammed, N.
Ramkhelawan, S.
Prescott SC, E.
Mahabir Dr. D.

NOES
Al-Rawi, F.
Henry, Dr. L.
Cudjoe, Miss S.
Singh, A.
Cummings, F.
Young, S.
Small, D.

The following Senators abstained: Mrs. H. Drayton, Dr. R. Balgobin, and HRI Roach.

Question agreed to.

Clause 22 ordered to stand part of the Bill.

Question put and agreed to, That the Bill be reported to the Senate.

Senate resumed.

Bill reported, without amendment.

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

The Senate divided: Ayes 15 Noes 8
AYES
Singh, Hon. G.
Coudray, Hon. M.
Ramlogan SC, Hon. A.
Howai, Hon. L.
Griffith, Hon. G.
Hadeed, Hon. G.
George, Hon. E.
Tewarie, Hon. Dr. B.
Bharath, Hon. V.
Moheni, Hon. E.
Lambert, J.
Maharaj, Hon. D.
Ramnarine, Hon. K.
Mohammed, N.
Burke, Abp. B.

NOES
Al-Rawi, F.
Henry, Dr. L.
Cudjoe, Miss S.
Singh, A.
Cummings, F.
Young, S.
Prescott SC, E.
Roach, HRI

The following Senators abstained: S. Ramkhelawan, H. Drayton, Dr. R. Balgobin, Dr. D. Mahabir and D. Small.

Question agreed to.

Bill according read the third time and passed.
ADJOURNMENT

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Mr. President, thank you. I want to congratulate all Members for their robust contribution in these wee hours of the morning. [Desk thumping]

Mr. President, I beg to move that this Senate do now adjourn to Monday 31st March at 10.00 a.m. when it is the intention—[Interuption] no, no, no, 31st of March at 10.00 a.m. when it is the intention of the Government to debate—[Interuption]


Hon. Senator: That is the Baptist holiday.

Sen. The Hon. G. Singh: Mr. President—[Interuption]

Sen. Prescott SC: It is a public holiday.

Sen. The Hon. G. Singh: The public holiday is the 31st? Wednesday the 2nd of April, when the Government intends to debate the Finance Bill. [Desk thumping]

May I, Mr. President? This was done after consultation with the hon. Sen. Helen Drayton, because she was foregoing her Private Member's Day, in order to facilitate this and we are grateful for that.

Sen. Prescott SC: Mr. President, would you enquire what time on Wednesday the 2nd, please?

Sen. The Hon. G. Singh: At 10.00 a.m.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 3.23 a.m.