

Leave of Absence

Wednesday, September 20, 1995

HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1995

The House met at 1.35 p.m.

PRAYERS

[MR. DEPUTY SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Deputy Speaker: Hon. Members, I have granted leave from today's sitting to the Member for Princes Town (Mr. M. Haniff). I have also granted leave to the Member for Couva South (Mr. R. L. Maharaj), for the period September 20 to October 4.

PAPERS LAID

1. Annual audited accounts and financial statements of National Helicopter Services Limited for the year ended September 30, 1992. [*The Minister of Education (Hon. A. Ramrekersingh)*]
2. Annual audited accounts and financial statements of National Helicopter Services Limited for the year ended September 30, 1993. [*Hon. A. Ramrekersingh*]
3. Annual audited accounts and financial statements of National Helicopter Services Limited for the year ended September 30, 1994. [*Hon. A. Ramrekersingh*]

Papers 1 to 3 to be referred to the Public Accounts (Enterprises) Committee.

GREATER MALABAR CHRISTIAN CENTRE (INC'N) BILL

Special Select Committee Report

Presentation

Mr. Desmond Allum: Mr. Deputy Speaker, I wish to present the report of the special select committee of the House of Representatives appointed to consider and report on a Private Bill for the incorporation of the Greater Malabar Christian Centre and for matters incidental thereto.

DEFINITE URGENT MATTER
Rio Claro Junior Secondary School
(Dilapidated Condition)

Mr. Raymond Palackdharrysingh (*Caroni Central*): Mr. Deputy Speaker, I wish to move the adjournment of the House to discuss a definite matter of urgent public importance pursuant to Standing Order No. 12 of the House of Representatives at the sitting of the House today.

The matter relates to the dilapidated conditions of the Rio Claro Junior Secondary School and the consequent closure up to now.

The matter is definite because 524 students who attend the school cannot continue to prepare for the next stage of their examinations as a result of this unacceptable state of affairs. This is a denial of the fundamental human right to education, stultifying the development of the individuals in the society.

It is urgent because the school has not yet been re-opened since the summer vacation. The parents are unwilling to send their children to school because of the unsatisfactory conditions. The education of 524 students is jeopardized. All concerned authorities have been informed of the situation and the parents claim that no remedial action has been taken.

It is of public importance because this incident comes in the wake of similar complaints made by the parents of the Pleasantville Senior Comprehensive School and at primary and secondary schools elsewhere.

The incident raises the question of the safety and security of students and school buildings and the denial of learning opportunities to an important group in the society.

I am satisfied that the matter ought not to have to await a Motion on the Adjournment next week, having regard to the urgent response that is required *vis-a-vis* the denial of the education of so many young people.

I was mandated to raise this matter as aforesaid by parents of students attending the Rio Claro Junior Secondary School.

Mr. Deputy Speaker: I wish to advise the hon. Member that this matter does not qualify under Standing Order 12. However it may qualify under Standing Order 11.

ARRANGEMENT OF BUSINESS

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Deputy Speaker, I beg to move, that the House deal with Motion 11 under "Private Business" on page 8 of the Order Paper, at this stage.

Assent indicated.

GREATER MALABAR CHRISTIAN CENTRE (INC'N) BILL**Special Select Committee Report****Adoption**

Mr. Desmond Allum (*Port of Spain North/St. Ann's West*): Mr. Deputy Speaker, I beg to move, That this House adopt the report of the special select committee of the House of Representatives appointed to consider and report on a Private Bill for the incorporation of the Greater Malabar Christian Centre and for matters incidental thereto.

Seconded by Mr. R. Palackdharrysingh.

Question proposed.

Question put and agreed to.

Report adopted.

Question put and agreed to, That the Bill be now read the third time.

Bill accordingly read the third time and passed.

ARRANGMENT OF BUSINESS

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Deputy Speaker, I beg to move that the House now consider Bill No. 1 under "Bills Second Reading" on the Order Paper, rather than "Motions" at this time.

Assent indicated.

ATTACHMENT OF EARNINGS (MAINTENANCE) (AMDT.) BILL

Order for second reading read.

The Minister of Social Development (Sen. The Hon. Russell Huggins): Mr. Deputy Speaker, I beg to move,

That a Bill to amend the Attachment of Earnings (Maintenance) Act, be now read a second time.

Attachment of Earnings (Amdt.) Bill
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Sir, it is, indeed, a pleasure for me to come to visit this House for the purpose of piloting a Bill which, in my view, will bring much relief to the women and children of our nation.

When I assumed responsibility for Social Development, this is one of the matters I decided to attach much importance because of the concerns that have been expressed, not only by women's organizations in this country but also by attorneys practising in this area of the law.

This Bill seeks to amend the Attachment of Earnings (Maintenance) Act, No. 14 of 1988 which was implemented early in 1992. Prior to its implementation, applicants experienced tremendous difficulty in securing maintenance payments awarded to them by the court.

1.45 p.m.

In order to compel a debtor to comply with a maintenance order, it was necessary for the applicant to move the court on a second occasion in order to seek an attachment order, and that, in itself, was not an easy task, in that, upon the making of a maintenance order, the applicant had to wait for the expiration of 14 days before making an application for an attachment order.

If it is that the applicant wishes to have an attachment order made before the expiration of 14 days, then it was necessary for the applicant to obtain the consent of the other party. I need not tell this honourable House that obtaining such consent was almost impossible because no one would readily consent to being taken to court to have his earnings attached.

Hence, by clause 4 of this Bill, section 4 of the parent Act is being repealed and replaced by a provision which would now allow the applicant to make an application for an order of attachment at the same time at which the order for maintenance is being made. In other words, the amendment seeks to remove that time period whereby the applicant had to wait for the expiration of 14 days before making the application for attachment.

The amendment also now removes the requirement for consent, so if this piece of legislation goes into effect, there will now be no need for the applicant to get the consent of the debtor.

Clause 5 of the Bill replaces section 5(5) of the Act and has the effect of increasing the categories of persons who could now apply for an attachment order. The existing subsection proved to be extremely problematic. Under this subsection, save for two instances, the court can grant an order only if it is

established that the debtor's failure to meet payments in accordance with the maintenance order is not due to his wilful refusal or culpable neglect. That is, in my view, a very onerous responsibility to place on the shoulders of the person who is applying for an attachment order. It is, in fact, also a very difficult thing to prove. The amendment, therefore, removes the requirement to prove wilful refusal or culpable neglect.

In addition, the effect of that amendment would be to place the needs of the child above other debts. For example, what happens now is that other debts such as mortgage, car and insurance payments are given a higher priority than maintenance payments. I need not emphasize that this should never have been so. I really do not know what was going through the minds of those who piloted this Bill back in 1988, when one could even dream of putting car and entertainment payments above payments for the benefit of a spouse or children.

It must also be noted that at present the failure to pay maintenance could result in committal proceedings being taken against the debtor. However, when committal proceedings are brought, any attachment of earnings order in effect at the time immediately ceases. So there can be situations where a debtor would, in some cases, encourage such proceedings to be brought because it would have the immediate effect of bringing the attachment order to an end. The amendment seeks to remove that, so one can now make an application for the committal to prison of the debtor without having any effect on the attachment order. In other words, he would go to jail and still have to pay the maintenance.

The amendment also seeks to remove certain ambiguities that are contained in the present legislation. For example, clause 4 removes any doubt as to which court is being referred to in the present section 4. That is, that the court to which one goes to get the attachment order is the court making the order for maintenance.

Clauses 6 and 9 leave no room for doubt that certain obligations in relation to the attachment order fall on the employer and not on the person who appears to the court to have the debtor in his employment. This is particularly important in relation to section 18 of the Act.

Section 18 of the Act relates to employment in the Government service. If, for example, one is employed in the Ministry of Health, the chief accounting officer in that ministry is treated as the employer for the purposes of an attachment order. If that individual is then transferred to the Ministry of Labour and Co-operatives, the Act says that his employment ceases. The burden that this places on the

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recipient of maintenance payment is that the person now has to go back to court to get the order varied so that the new employer, who is now the chief accounting officer of the Ministry of Labour and Co-operatives, would now be directed to deduct the maintenance payments.

That is not an acceptable situation, because there is one Government service and it should not matter in which ministry one is actually employed. By virtue of this amendment, as long as an attachment order is made directed to the chief accounting officer, it now does not matter to which ministry the individual is transferred.

Also, the application forms in the Schedule to the present legislation proved to be extremely difficult for persons who had to complete them. We are seeking to amend those forms to make them as simple as possible so that one would not really have to pay lawyers additional moneys to have these forms completed.

Sir, I think I have covered every area of the present legislation which we are seeking to amend. I think it is an important piece of legislation, principally because, as I said earlier, it seeks to clear up many problems that applicants have encountered in trying to make use of the Attachment of Earnings (Maintenance) Act. I think that the women and children of this country would be happier when this piece of legislation goes into effect.

Mr. Deputy Speaker, I always take the position that if one wants to enjoy the benefit of lovemaking, one must also be prepared to shoulder the responsibility of the results.

I beg to move.

1.55 p.m.

Mr. Gideon Hanoomansingh (*Pointe-a-Pierre*): Mr. Deputy Speaker, let me say at the beginning that this side will have no difficulty, as usual, with any piece of legislation that seeks to address, in a meaningful way, societal needs. I believe this is a basic principle shared by both sides of this honourable House, and even your good self, cognizant of the fact that measures that are intended to improve the population will, in the long run, influence the creation of a more wholesome society.

When it comes to children, we can never ever exhaust initiatives to bring relief to their young and vulnerable minds especially those who are categorized as underprivileged, those children who are in need of the basic necessities of life, but who, for various reasons, are denied access to even the simplest things.

We know the stories very well when adults find themselves in the realm of neglect; they are traumatized, and one can well imagine the plight of children as indeed, some, if not all, of us would have experienced as we grew up in our various communities.

The Minister in his presentation talked about a great deal of relief to the women and children as a result of the passage of the amendments he is seeking. I have no doubt, that to a large extent, the implementation of these amendments will, in fact, bring about meaningful results. But how practical will these amendments be? We want to believe that there will be some measure of denial as we go along and there will be many stumbling blocks as we look at the various issues and try to come to terms with the enormity of the problem as it exists in Trinidad and Tobago at the present time.

If we look at the record we would see that whilst the intentions were honourable when the parent Act was first presented to this honourable House in 1988, in the district of Port of Spain, in a court scenario, December 1989 there were 1,000 cases of children who were being denied access to the maintenance money as proclaimed by order which existed at that time. In October of 1991 there were 3,240 cases. In San Fernando there were 860 cases in December 1989. In October, 1981—806 cases.

There is a list of districts with the corresponding figures and the years: In December 1989 in Tunapuna, San Raphael, Sangre Grande, Toco, Mayaro, Rio Claro, Couva, Chaguanas—257 cases. In October 1991—1,653 cases. It is obvious that there is need for legislation; there is need for mechanisms to bring to an end a problem of this nature. As I said before, no one in this honourable House should even think of disturbing in any way legislation which would relieve the plight of these children whom we will want to consider in every aspect of their growing-up lives.

The Family Law Act of 1988 states specifically that all children have a basic right to be supported by both parents to the best of their ability. I think that has to be taken into consideration because the best of their ability to take care of the children may not necessarily be an ability to, in fact, give the children their entitlements and meet the kinds of needs they have. When we hear of a piece of legislation and an amendment that comes to this House that puts the child, in terms of priority, above mortgage payments, bank loans, interest payments and things of that nature, we feel a sense of gratitude and comfort that this will bring some measure of relief to the children.

But the practicality of the situation is one which we have to consider very carefully. Who are the people in this society who have caused a situation like this? We are not talking about people who have the financial wherewithal to pay the maintenance money at will.

We are talking about the people who try to hide from the courts and from the summons bearer simply because they are not in a position to respond financially to the needs of their children. It is not only a question of a social ill; it is as much a question of humiliation of the debtor. These people fall in the category of the unemployed. Under the present order you have to wait 14 days, and there are so many problems associated with the collection.

As regards public servants, the law is very specific that if the public servant had to pay maintenance and did not pay he could go to jail, and not only that, he would lose his job because he was violating the law. The present situation is that he will be able to go to jail and he will still have to pay.

I do not see any specifics in the amendments that we have been bearing witness to this afternoon that talk about penalties for the employer, whose responsibility it is to collect the moneys on the part of the applicant because of the Attachment of Earnings Order and submit them to the particular district from where the application was made. For instance, if there is a time lapse, is there a penalty for the employer who decided that this is not too much of a concern for him? That it is not really something that he thinks about when he considers his own financial situation? That his business is not doing well and he has got to consider ways and means of ensuring that his business is successful?

Would he make it a real and practical priority to ensure the deductions are made and the moneys are sent to the district court in La Brea to ensure the moneys reach the mother so that the child benefits from this new system that we are putting in place? This is one of the concerns I have with respect to the implementation of this new mechanism for collecting maintenance from a defaulting father.

There are several other areas of concern we would like to raise when we consider the extent to which this problem exists. Although figures are not available at the present time, a *Newsday* report of April 17, 1995 stated that some 100 mothers faced the magistrates' court every day in one area alone. One can only expect that the same figure holds the district courts.

The report also notes an observation from one magistrate, that if the list of cases on any particular day was below 70, it was considered a slow day. This is a

magistrate saying that this problem is really a grave one and needs to be addressed urgently.

2.05 p.m.

The Minister in his presentation said he could not understand what was going through the minds of those who piloted the parent Act, he felt that something was definitely wrong. Well, two wrongs do not make a right. What has happened, subsequently, when this administration came into office? It has taken many years to bring amendments to the parent Act to ensure that something meaningful is done about the situation today.

Because of the delay between when the parent Act came to the Parliament and now, the problem has increased enormously. The newspapers are replete with reports of the problems being experienced by mothers in collecting maintenance moneys for their children. What has resulted in that situation? Delinquency on the increase. We have to look at our situation and sometimes compare it with what is happening in other countries.

If we take a drive at late nights or early mornings in the city areas we would see what happens on the streets—young children are there soliciting. That is not because they find pleasure in doing these things; it is simply because they have to find a way to earn a living. We know the story of the young boy who felt that his brother was being denied access to employment and he used a gun to try to correct that situation. Not that he thought he was committing an act of aggression; he thought he was doing something meaningful for his brother, to bring relief to him and, subsequently, to his family.

That is the stage we have reached in Trinidad and Tobago. I am not saying that that is widespread in our society; I am identifying a problem that can easily escalate if we do not adopt meaningful and effective ways of dealing with this problem as we know it in Trinidad and Tobago.

On the streets of Brazil are realistic situations that must have a bearing on the minds of people in this country. The streets of Venezuela are the same. In most of the Latin American countries there are similar problems.

In India and Asia, because of overpopulation and things like that, there is a serious problem that we must be in a position to grapple with. But if we do not put the mechanisms in place, if we do not take into consideration the non-punitive measures to deal with problems like this, then, I am sorry, we would not be able to bring the problems under control.

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We often think of only the legal aspect of resolving a problem, then we find that there are fine minds in the legal profession who would look for every possible avenue to get around these legalities in the interest of, perhaps, themselves or the clients they represent. If there was proper health education in the country and if there was family life counselling in every district of the country, to make that meaningful, then perhaps we would not have a situation where we could read out figures day after day, month after month, in respect of the problem of juvenile delinquency in the society. That, obviously, is one of the major results of the neglect, and lack of love children experience today in our society, a society where Trinidad and Tobago is exposed to the global village.

We look at television so much and are influenced by what we see on foreign television. Obviously, that must have a bearing on the psyche of these young and vulnerable minds. When they see a movie with violent scenes, the tendency is to regard the characters as role models. That is the style, that is a situation that we have grown accustomed to in our society.

The Bill before the House seeks to amend the Act by making maintenance payments collectable at the source; in other words, by the employers, directly out of the salary of the employees who are so obliged. I made the point earlier on about the unemployed, and the people who have difficulty in really paying the moneys? These are the people who do not have a steady income.

In some cases there are people who have a steady income but because of the quest for power and control, they have the squeeze on the child, and particularly, the mother, because of some domestic situation that may have developed. That is unfortunate, for it is the child, in the final analysis, who bears the brunt of the problem.

If a jail term results from the neglect of a person who does not have any meaningful employment to pay, will a jail term make a difference to that person? Under the same order, after he serves the jail term he still has to pay the money. He goes to jail because the law says that if he does not pay he must go to jail, he serves his term, he still does not have employment, what happens? Does he go back to jail for defaulting? If he does so, what happens to the child? Will the child get the money?

I think there must be a system, outside of the punitive areas to deal with these problems. I think we are not too far gone not to be able to start, almost immediately, implementing measures that would relieve in a meaningful way the problems that we are experiencing in this country in this regard.

We have to consider, in this new order, what will happen in terms of deductions. Will they be based on net income or on gross income? We are putting priority on the child in this case—the child is supposed to be the supreme element in the amendment, but then there are other considerations. When the debtor has paid the maintenance for the child and he has so many other areas of indebtedness that must be fulfilled because of binding obligations, what happens?

I think that we have to be very careful about deciding how we will go about this collection and deduction process simply because we do not want to kill the proverbial goose that lays the golden eggs. If we reach the stage where we prioritize too much, then would it not be at the expense of the person's ability to respond positively to the order? The order really deals with deterring a defaulter.

2.15 p.m.

One does not want to get a situation by bringing amendments to the Parliament that would say we are doing this because we feel we must respond by way of legislation to a problem that has developed in this country. We want to ensure that we must be in a position to deter the actions of defaulters and if we did it in the wrong way, then I do not think we would have served the purpose for which the amendments are being sought here today.

We know that what happens invariably is that court awards for child maintenance—I am talking about the amounts—are really ridiculous. We see reports of \$40 and \$50 per week, and when we consider that a child's needs would be far greater than the amount a child would receive as a result of this court award we must wonder what are we really doing in terms of bringing relief to the child.

Education is an expensive process, and if a child is given \$50 a week maintenance, obviously that child, in circumstances as we know today, would not benefit from the \$50 court order, because invariably what happens is that that money is divided in the home.

We are talking about \$200 a month. When we talk about \$200 a month, we must consider the cost of education, which includes transportation. A child may want a pair of fancy sneakers that he has seen on television being worn by his colleagues. What are we talking about here?

I believe the order must be meaningful enough to take care of the needs of the child. As I said before, counselling has to form part of the wider process that seeks to restrict a growing problem of this nature in our country. Then one has to

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consider what principles would guide the magistrate in terms of collecting the other amounts that are required.

I feel we must really look into every aspect of the amendments in a way that would not allow the legislation to come to this Parliament and be passed, when the practical implementation leaves much to be desired. As I said before, we on this side will have no difficulty in supporting any measure that seeks to bring relief to societal needs and, in particular, the needs of young children who are categorized as underprivileged in this society—absolutely no problem.

When we look at some of the issues that surround the problems and the kind of measures that the Government would like to bring to the Parliament to address them, then, obviously, we would want to ask for greater measures, that would attack the problems meaningfully.

If we imagine for a moment these measures being successful in terms of achieving the objectives, what about the administrative cost that would be attached to the implementation of these measures? I am sure that it would now bring to bear on the State, as indeed the private sector, a greater burden, and in respect of the state, there will be enormous difficulty because, already, we are hearing of a reduced work force in the public service and complaints by the PSA of an increase in the workload.

All kinds of protest actions are coming and threats are taking place and in that scenario, one has to consider whether this new measure would really be effectively implemented. The administration of the measure must be considered very carefully if it is to reach implementation in an effective way so that the child receives the benefit of the maintenance money.

There is a provision in the Bill which gives the magistrate the authority to issue a warrant of commitment for the sum unsecured. I understand that to mean the sum as determined by a maintenance order previously secured and the rest of the money that will make up the grand total. What mechanisms will in fact be taken into consideration with respect to that remainder, and on what basis would the magistrate calculate deductions? Will it be based on that general term? If the deductions are based on chargeable income, then perhaps many will not find it difficult to live up to their obligations.

That is a question I feel the amendment should address in a serious way. Because we would have people who would want to respond, perhaps in a positive way, but who because of other binding commitments, as I indicated earlier on, would not be in a position to do that, which would take us back to square one.

Perhaps, in a few years from now we would return to the Parliament. The amendments that we are seeking today would not be successful so we would have to look for new amendments to deal with these problems, and I do not think that really is in the interest of anybody.

If there is one concern that I have about this matter before the House today, it is the fact that if its implementation is tardy in bringing about relief to the child, then we, all of us, would have been contributing in a significant way to the growing tensions of juvenile delinquency in our society. I do not think that we can sit here as adults in the society and people whom others look upon for direction and do it in such a way that we would not have made a meaningful contribution to resolving the problem.

Remedial action to address the needs of the spouse and children involved, would be, in my opinion, one of the greatest measures we could bring to bear on legislation of this nature. If we did not do that, the cycle of neglect of the nation's youth would persist indefinitely and if that happens, then I am saying now, it would not be good for this country, it would not be good for the future generations, and it certainly would not be in the interest of a wholesome society which we are trying to develop in Trinidad and Tobago.

I am of the firm view that what we are seeking to do is to bring about a better understanding among all persons concerned in this matter. We are trying to look for ways in which we can resolve the problems, but we have to tackle them from the root. The challenge is to rescue the children, and if we can do that in an effective way, then we would be in a position to say categorically that we have contributed very significantly helping to advance the progress of the society.

Mr. Subhas Panday (*Naparima*): Mr. Deputy Speaker, I stand here to support the position taken by my friend the Member for Pointe-a-Pierre. When one looks at the Bill, one can only say we have found ourselves in a situation where too little has come too late.

The hon. Minister has indicated that this will go a long way in alleviating the problems of children and mothers in the society. What I want to inform the hon. Minister is that the people to whom this Bill applies are really those on the upper rung of the economic ladder.

2.25 p.m.

Those are the people who belong to a certain class in the society, the permanently employed, who seldom want to come to court on an Attachment of

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Earnings application, to be humiliated. I humbly submit that number is really small in relation to the total number of children and wives who are affected by these maintenance applications. My friend the Member for Pointe-a-Pierre enumerated a number of situations, amounting to 12,117. For example in Port of Spain, you had 1,000; in October, 1993—3,000; San Fernando—806; Arima—581 and Chaguanas 1,653.

We believe it is necessary to have a holistic view, not only of the Attachment of Earnings Order, but on maintenance as a whole. For example, we should be concerned about the children whose parents are permanently employed, but we should also look at the cases children whose parents really fall at the bottom of the economic ladder.

We need to look at a situation where, for example, there are certain children who are born in wedlock and the father does not want to assist. What that mother has to do in relation to that child is to file an application in the magistrates' court. After it goes there, a date has to be given, after which a summons will be issued, and this matter will be adjourned on several occasions. When the police say that the father cannot be found, it is only then that the social security people will say that that child is eligible for maintenance.

So the procedure is, you go to the Social Welfare Department; you tell them your problems, and they say, "No, no, we cannot help you; file a case in the court." It is only when that case is dismissed for non-appearance of the father, and you bring an extract of the case-sheet back to the Social Welfare Department, that they would consider your case. The length of time that takes is usually six to eight months. What happens is that the mother gives an address of the father to the police and the police merely goes to that address and says: "Cannot be found." No extensive search is made for that father.

What we are suggesting on this side is that maybe the law pertaining to maintenance of children in those situations should be that the Social Welfare Department should have the personnel and they should do the investigations, because the police are overburdened and overworked and not in a position to really deal with these kinds of situations. So that is one of the areas, we should think about, not only about children whose parents are working, but also about children whose father cannot be found and the mother is under severe hardship.

Another area we must consider is not only legitimate children, but illegitimate ones as well. Those are the children who are really crying, whose mothers are fighting to make ends meet, whose mothers became pregnant during their—

Sen. Huggins: I wonder whether the Member is aware that there is no such category of child called an illegitimate child again.

Mr. S. Panday: Okay. I will show you. Would the Member agree with me that there is a difference between maintenance and affiliation?

Sen. Huggins: There is no such child. The law says so.

Mr. S. Panday: I am speaking here about maintenance and we are categorizing maintenance, firstly, as maintenance for a child born in wedlock, and secondly, affiliation for a child born out of wedlock.

Sen. Huggins: It is a child born out of wedlock, but it is not an illegitimate child. There is no such term.

Mr. S. Panday: Okay, a child born out of wedlock. My friend the hon. Minister is splitting hairs. I am speaking therefore about the child born out of wedlock. When a child is born within wedlock, the man is deemed to be the father of the child. In the case where a child is born out of wedlock, the mother has to prove the paternity of the child. As I was saying, when one looks, one sees that the children who are born out of wedlock are the ones experiencing the most severe problems in terms of maintenance. When that mother goes to court in order to prove paternity, she has to prove that that man is the father in a material particular and that evidence must also be corroborated.

That is a very heavy burden, and nine out of ten times, paternity cannot be proved, because usually, as the Minister says, when you go out on these excursions it is usually secretly done and when the time comes to determine who is the father of the child, you have to get a witness to prove this, and, as I said, nine out of ten times it cannot be proved.

There were certain amendments to the law and blood tests were introduced. But all a blood test can say is that, categorically, "this man is not the father." It is an exclusive test. Usually they come and tell you that this person could possibly be the father of the child. So a blood test, as we have it in Trinidad and Tobago, does not help in that situation, although some steps were taken in the past to assist the child born out of wedlock.

We humbly suggest that steps be taken to introduce more advanced tests to positively determine paternity. As the Member for Barataria/San Juan has rightly indicated, it may be necessary that we move on to more advanced stages of proving paternity by DNA testing.

The blood test does not help the mother to prove the paternity of the child, it helps the father to jump out the hole. So a blood test is tilted against the mother and the child. Even in that situation, one finds that there is only one place in Trinidad and Tobago where blood tests are taken and that is in Port of Spain. So if an application is brought in Mayaro, Siparia or Cedros, that mother has to spend money to travel from way down South, into Port of Spain, to have the blood test.

2.35 p.m.

What has happened recently is that the Government has placed a cost on obtaining a blood test—I think it is now \$200. The mother, who is in a situation where she could hardly find money to buy food for the child, has to contribute towards this blood test. Since the father is denying paternity, in the meantime he does not have to pay anything. Because of the situation with the doctors—only one doctor, Dr. Charles—it usually takes about six weeks to get an appointment for a blood test, and one year to have the results.

During that 18-month period, that poor child continues to suffer—lacking maintenance because paternity has not been determined—the father is not going to maintain the child until paternity is proved. That is an area in which we need a holistic view. We need to really look at all the children and people who are affected in the ways I have outlined.

In terms of maintenance, the Bill states that a maintenance order usually lasts up to the age of 16 or 19 years. If the child is fulfilling certain obligations—as continuing studies at a recognized educational institution on a full-time basis—one could apply for an extension of that maintenance order. The Family Law (Guardianship of Minors, Domicile and Maintenance) Act states that only if an order was in existence prior to the age of 16 or 18 years, as the case may be, it is only then that a mother could go to the court for an extension of the order.

We find a situation where the mother is working hard, trying to be a single-parent, to maintain her child. As things become more difficult, and the child is about to continue education, she finds that she cannot carry the load any more, and attempts to apply for a maintenance order in respect of that child. Although the law says that one could obtain maintenance up to the age of 21, the only way one could obtain that is if an order was made prior to this application. So, there may be a necessity to amend the law, so as not to discriminate against certain children and act in favour of others; not to discriminate against certain mothers who probably have tried over a long period as against other mothers.

If that is the case, every mother who has found herself in a situation where the home is broken up, should be advised on moving an application for maintenance forthwith. As one goes along, one sees that this is too little too late and one needs to take a holistic view of the whole scenario about maintenance and family law.

When one also looks at the type of orders and awards which have been made by the courts, one observes that a parent could go either to the Magistrates' Court or the High Court to seek maintenance. When one looks at the statistics, one would see that the maintenance awards in the Magistrates' Court are usually much smaller than those in the High Court.

The reason for this is that the courts which operate do other things and are not specialized courts. It may be necessary that we set up a family court to deal with family matters only. The hon. Minister may say that there is no need to set up a family court because there is the Matrimonial Chamber Court, but that is insufficient; we need a specialized court to deal with family matters, including maintenance. That court must be specially equipped with the necessary expertise so that when one compares the statistics, one would see that there is uniformity in granting maintenance awards.

I am not saying that the Minister would say that it is a very difficult thing to do. He may say that it is costly, or maybe they do not have buildings and they may not want to have this court in the Hall of Justice in Port of Spain or San Fernando. *[Interruption]* I am just saying that these may be excuses.

Those may really be excuses, in that what we need is not a building to house a family court, but a unit set up with all the ancillary services to assist in these matters. It may be necessary that this will necessarily have to be a circuit court. If we are looking at a family court—since applications could be brought in courts all over the country, including magistrates' courts in places as far as Toco and Matelot, Mayaro and Cedros—it may be necessary to have this court on a circuit so it could service the whole country.

This is what we are saying. This piece of legislation, though we welcome it, is only an attempt to touch the tip of the iceberg and is not dealing with all the problems that affect maintenance for children.

As we speak about an Attachment of Earnings (Maintenance) Order, it seems to me that we need, first of all, to deal with the symptoms which lead to the breakdown of family life and, subsequently, to this situation. It may be necessary, as the hon. Member for Pointe-a-Pierre has stated, to have a number of counselling centres established. Most of all, it may be necessary for the Domestic

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Violence Act to be amended to make it more workable. Further, the ancillary services should be put in place immediately to assist the courts to adjudicate in the issue of domestic violence.

2.45 p.m.

What one observes is that the Domestic Violence Act in its present form, is creating a domino effect in terms of violence in the family. If we try to deal with keeping the family unit together, then we may not reach to this stage of an Attachment of Earnings (Maintenance) Order.

Many times when an order is made under the Domestic Violence Act, one finds that the parties are so aggrieved that when they leave the court they are in more haste than when they came in. The courts have recognized this problem and it recommends the parties to the probation officer to seek reconciliation. Nine out of ten times the probation officers return to the court and say they are not trained to deal with these matters. They are probation officers who are trained to deal with delinquent juveniles; they are not marriage counsellors and, as such, one finds that after the order is made the situation deteriorates.

The courts, the litigants, the children—everybody is crying out for the ancillary services to be put in place immediately to deal with the issue of the family unit.

In those circumstances we feel the family would be kept together and, as a result, we would have children remaining in the home, being cared for by the parents. We must not deal only with the issue of the paying of maintenance by the father—that is the end of the relationship between father and child.

Earlier I spoke about the child born out of wedlock. Under this Act there is no definition of applicant, but under the general law, one knows that the people who can come to the courts for maintenance are the lawful wife, and children born within wedlock, but the unmarried mother of the child has no recourse. She may have lived with that person throughout her youth and has helped to build this home, but she finds after a number of years living with that man that she has nothing to receive. Her life has gone, probably giving up her chances of employment and, but as the law stands, she is denied the opportunity to seek maintenance.

We do not subscribe to the view that if a woman just shacks up with a man for a few days she is entitled to maintenance, but we can follow the situation in Barbados where the Barbadian law says that if a woman lives with a man in an

association as man and wife for a period of over five years, she becomes qualified to apply for maintenance.

We are saying that in the case of the mother who is unmarried and under extra pressure, it may be necessary to assist such a person. We ask the Government to review the whole issue of family law, not only to revise it, but embody it in one piece of legislation so that it may be easily dealt with by the courts.

The parent Act at section 8(1) says:

"Where an attachment of earnings order has been made to secure maintenance payments, no order or warrant of commitment shall be issued in consequence of any proceedings for the enforcement of the maintenance order begun before the making of the attachment of earnings order."

It also says that once you have taken out a warrant for maintenance, the attachment order lapses. It says that that mischief has been smothered by clause 7 which amends section (2). It says:

"Notwithstanding subsection (1) where an attachment of earnings order has been made but the attached earnings fail to satisfy the entire maintenance payments the Court may, upon satisfactory evidence that the debtor has means-

- (a) issue a warrant for commitment in respect to non-payment of the sums not secured under the attachment of earnings order."

What happens in a situation where the person who is paying under the attachment order is unable to meet those first payments? This amendment speaks about a situation where there is a maintenance order and a part falls under the Attachment of Earnings (Maintenance) Order and another part is outside the order. The amended section 8(2) deals with that part. We ask the question: What happens to the part that falls under the attachment order which cannot be met by the debtor?

When one looks at the parent Act, Part 1, Deductions by Employer under Attachment of Earnings Order, one sees:

"(3) No deduction shall be made on any pay-day when the attachable earnings are equal to, or less than, the protected earnings."

One may find oneself in a situation where one cannot meet the payments under the order. We ask: What would happen in such a case?

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There is another issue which we would like to have clarified. We hope there is an order to the present employer and to any subsequent employer. We have noticed that in the Schedules to both the parent Act and the present amendment there is no notice or any form directed to the employer. If one ceases working with an employer and the order lapses, what would be the position? If I am working, there is an attachment order; I have lost my job for some reason or the other, can the applicant then go to the courts and issue a warrant for the sums under the attachment order? He cannot.

Mr. Sobion: Unpaid?

Mr. S. Panday: Yes. The Act is silent on that. I humbly submit that the Act appears to be ambiguous in that area. There is the need to have a holistic view of, not only maintenance and attachment orders, but also family law as it affects the whole family.

I thank you.

The Minister of Health (Dr. The Hon. Linda Baboolal): Mr. Deputy Speaker, I rise to make a short contribution and, first of all, to support my colleague on bringing this legislation to the House and for getting the support of the other place so readily when he took it there. I am also very happy to see the male Members on the opposite side so eagerly speaking on this piece of legislation and, obviously supporting it.

2.55 p.m.

I have no doubt that we would get the support of the other side on passing this legislation, simply because it affects the lives, as the Minister has said, of our women, and particularly, of our children. It was one piece of legislation which I hoped quite anxiously to bring to this Parliament and I am very happy to see that the Minister has been able to do so.

I remember when I was at the Ministry of Social Development, daily, it really hurt and angered me in many cases when there was so little that could be done to help women who found themselves in the situation of not being able to get money to take care of their children. When they applied for public assistance, in many cases they had to first apply for a maintenance order in the courts before they could be considered for public assistance.

The point has been made in the House today, if the father of the children could not be found, that Maintenance Order could not be made. When the Order was made, very often the person would refuse to pay, or the woman would be

threatened and even abused as the maintenance moneys had to be collected directly from the person paying that money.

Where this Bill is now putting the responsibility on the employer to ensure that that attachment of earnings is made at the point of employment, at least, the aspect mentioned would be removed and women would no longer be humiliated, embarrassed, threatened, beaten and abused when they try to collect moneys ordered by the court for their children. At least, no excuses could be made by the errant fathers that they cannot pay the money because it would be coming out of their salaries.

I agree with the Minister; I really cannot understand what kind of thinking went into the Act when it was first passed, which allowed a man to deduct payments for his car, house, boat or whatever. Can you imagine putting a car before a child? From whatever little was left, the children were then given their maintenance.

I agree with the Members who have pointed out that lack of financial maintenance for children means that those children would suffer from things like lack of schooling and so forth. I think one Member pointed out that where fathers are unemployed, it would be difficult for them to pay maintenance. I want to point out that this Government is doing everything in its power to ensure that unemployment falls, and it is falling in this country. Right now the statistics, in fact, show that unemployment has fallen to 16.5 per cent; therefore means that more men, I am sure, are getting employment and are in a better position to ensure the maintenance of their family.

We have to face the fact that even men who are employed deliberately avoid the responsibility of maintaining children who do not live with them, and even in cases where they live with them. I have heard many stories of women where their spouses or common law husbands are earning decent salaries but refuse, point blank, to pay one dollar towards the maintenance of a child, to buy books, clothes, food and so forth. They just turn their backs on their children and refuse to pay maintenance.

Mr. Eckstein: That is terrible.

Dr. The Hon. L. Baboolal: Definitely, it is terrible; I agree with the Member for Arouca South. It is very, very bad.

As we know, sometimes many women have to walk away from a relationship—a marital relationship or a common law one—because of the

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violence and abuse which they often suffer. In walking from the relationship they often take their children with them.

When, therefore, they try to get any form of maintenance from these men—men who are abusing them—it becomes, of course, as one could well imagine, a very difficult situation. They are usually threatened that if they do not resume the relationship, the children would not be supported. When the women timidly go back into these relationships, they are again beaten or even killed.

I agree, also, with the Member for Pointe-a-Pierre who said that this is, in fact, an international problem. It is not just men of Trinidad and Tobago who avoid their responsibilities; it is a problem that occurs everywhere. We are aware of the problems within our own country and, as a Government, we are seeking to address it on various fronts.

With respect to the International Year of the Family, which was in 1994, and which fell under the Ministry of Social Development, there were many issues of family life which were addressed by that ministry. Several programmes were put in place during that year to address some of the problems which families face and which result in the situation we are addressing today.

Parenting was addressed, and, as far as I know, continues to be addressed by the ministry through radio programmes, lectures to schools, to PTAs, any groups that might be interested in having talks and lectures on parenting. Teenagers are also being exposed to the responsibilities of parenting.

Also, at the Ministry of Social Development, the whole issue of alcoholism and drug abuse is being addressed through NADAPP. So that in families where there is this problem where a spouse—particularly the earning spouse of that relationship—whether it be the man or woman, has an alcohol or drug abuse problem, he or she can be helped. In cases where this has probably led to the break-up of the family, some kind of reconciliation can be sought, therefore bringing the families together so that we would not reach the point at which that family is separated and the woman has to look for maintenance for her children.

The problem of teenage pregnancy is also being addressed. More and more we are attempting to educate young people on their priorities, particularly our young women, who must put their education as their first priority; that they should avoid having babies while they are teenagers; who should ensure that they are in a stable relationship before they have children and who should ensure that they can earn their own living so that in a case where a relationship unavoidably breaks up, they can also maintain their children. As I said, this Government has been addressing

all those issues through programmes being made available through the various ministries.

A Member mentioned children abandoned on the streets. It should be noted there are very few mothers who would deliberately abandon a child. It is only in cases where the mother is totally unable to care for that child, or where the father is nowhere around, as so often happens in these relationships. The Ministry of Social Development has developed and is putting in place an improved foster-care system to take those children off the streets, where possible, and have them looked after.

3.05 p.m.

I think it was in the other place that one of the speakers made the point that poverty does not excuse anyone from parental responsibility. I totally agree with that statement. What we have to try to impress upon our population, and particularly upon our poorer people, is that they must attempt at all times to control the size of their families.

One is aware that there are programmes in place—family planning programmes, education programmes—on how to control the size of your family, and such programmes are available to everyone in this country. It is only left then for these persons to access and ensure that they make use of the education that is available.

I am not too sure whether this has already been put in place, but I know that when I was at Social Development we were looking at introducing family life education programmes from very early in the school curriculum. This was being introduced from the primary school level.

When we talk about family life education; we are not talking here about sex education, we are talking about teaching people from a very early age to learn about what family life is, to learn about their bodies, themselves and their responsibilities within a wider society. To teach, for instance, teenagers that parenting is just not a biological process, but rather, with every child goes the responsibility of looking after that child until that child can look after himself.

In fact, I feel that this Bill may make young persons think twice—particularly young men—before they father a child because they would be aware that when they do father a child that they are responsible for maintaining that child once they are employed.

I think it was the Member for Naparima who mentioned that this Bill was too little too late. This Bill could never be too late. There are always children out

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there who will need the support of this Bill. I also disagree completely when he says that it applies only to the upper classes. I am sure the labourer, the daily-paid worker, the clerk, the URP worker, anyone who can be proved to be earning a salary or income of any kind would fall under this amendment and would be liable to pay maintenance for the children he fathered.

I have no doubt that there are some women who may have to pay maintenance under this Bill, and these days we have house fathers. They stay at home to look after the children and the women work. I am sure that under those circumstances if the father feels that he has to get maintenance for his children, he will get support under this Bill. So it is not at all a feminist gender biased piece of legislation whatsoever.

Again, the Member for Naparima talked about not having the services in place to ensure that these errant fathers are found and brought to face the music. I know, for sure, that the Social Development Ministry is looking at putting in place the new integrated social services delivery system which visualizes, as you know, having many more social workers in place in the community, and these social workers will then become so familiar with those people within their areas that they will be able in most cases to identify these people.

Under a broadened service like that, where there are many more social workers, there will also be more services to assist with reconciliation of families. Where families have been separated, whether there be married spouses or common law relationship, there will be more social workers to attend to reconciliation, and there will also be the services to help with counselling. Only when all that fails and separation becomes inevitable then would we go seeking maintenance for spouse and children.

As far as the paternity situation is concerned—paternity test. I am not too sure exactly how it is under the law, but I do know it is a very difficult thing to do medically and it is expensive. There is no doubt about that.

We cannot hide from the fact that many of our homes today are headed by single parents and that single parent is usually the woman. It may be a woman who was in a relationship with a man and is now separated; it may be a woman who was married and is now divorced; but in too many cases it is a woman who has had a relationship with a man who, maybe, already has two or three families. This is in fact, a sad thing to say, but many of our men today end up fathering children with several women and come to the point where they are totally unable to support these children.

Maybe this Bill will make our men consider twice when they are thinking of having all these relationships and all these children because all that money is going to come out of their salaries since each woman with each set of children would be able to apply for the maintenance of their children.

I think it was the Member for Pointe-a-Pierre who quoted that there were 3,500 maintenance cases. I would say that the number of women who support their children without ever going for a maintenance order must be 10 or 20 times that, so, therefore, we have women who are shouldering the burden on their own, and in the cases where they do go for a maintenance order it is, most probably, that they are just simply not able to raise these children on their own.

Again, the only way we could ever hope to deal with that is to put an end to this sort of thing, to reduce the incidence of men having children with more than one woman, or with women who having had children with one spouse, find it difficult to get the financial support of that man, and often start a second relationship with the hope that the second person would support her children, and then ends up with a second set of children and still no support.

3.15 p.m.

The only way to deal with this problem is by education. I agree with that. That is also being addressed by the Government. Not only are we educating our young people, as I said earlier on, by introducing family life education into our system from a very early age, by teaching our young people how to avoid the use of alcohol, drugs and all these other things which sometimes lead to these situations, but we have also put in place programmes to train our teenagers as they come out of school so that they acquire skills which would enable them, whether they be men or women, to hold jobs and therefore be able to maintain any children they may father or mother. You know what these programmes are. We have on-the-job training, the Civilian Conservation Corps, the National Training Board Programme and other similar programmes. So that if our young men and women access these programmes and ensure that they have a proper education, that they are able to earn their own living, so that when they have children they are in a position to maintain them, we would see many of the problems, delinquency and the other things which were mentioned the other side, gradually disappear from the society.

This Government is determined to achieve these goals to ensure that family life, generally, in this country is improved, and that our children at all times, get what they deserve from the time they are born until they are able to look after themselves: maintenance and support from their families; free education.

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Only yesterday at the opening of a school the Prime Minister spoke about the changes that are being made in the education system to ensure that all our children are able to access secondary education regardless of age. Those are only some of the changes that are going to be made to ensure that our young people enter adult life properly prepared to undertake the responsibilities of adulthood and parenthood.

In all the other ministries we are putting in place measures to address the problems of the community, not only in the Ministry of Social Development. In the Ministry of Health, we have all the health reform programmes in place. We have legislative reform being put in place. Unemployment is being addressed. Employment is being created. Education is accessible to everyone.

I want to put into the record today the fact that this Government is doing everything in its power, not only by bringing legislation here to ensure that when it is necessary for a woman to look for maintenance she gets it without too much hassle, and that the fathers of children are obliged under the law to pay that maintenance to those children at the very source of their earnings, but this Government is also putting in place long-term programmes to ensure that family life is improved in this country; that our women are educated and they learn skills, so that if a woman is unable to get the maintenance that is required from her spouse, she, in her own right, can earn money to support her children.

We are also ensuring that our males are educated, not only to earn a living, but also to become aware of the responsibilities that go with fatherhood and with marriage and within relationships in which children are born.

I am not going to dispute the fact that there could be other areas for amendment in the future in this Act, where we can bring the self-employed and the other people mentioned by the opposite side under the Act, but I certainly think that this is a step in the right direction, and that at last, under the law, we have accepted that the responsibility of a father is to support his child and that the money for that support should come before anything else. This is what, mainly, the Bill is attempting to do.

I think with this amendment we can see more children getting the maintenance they are entitled to, for their schooling, food and so forth, from fathers who are well in a position to pay that money. I want to once more congratulate the Minister on bringing this piece of legislation and I have no doubt that he is going to get the support of this House in passing this legislation today.

I thank you very much, Mr. Deputy Speaker.

Mr. Raymond Palackdharrysingh (*Caroni Central*): Mr. Deputy Speaker, listening to the last Member who spoke, one got the impression that we are on our way to Utopia, because all sorts of lovely things seem to be happening, according to her.

Hon. Member: They are always happening; they never happen.

Mr. R. Palackdharrysingh: I have many recent newspaper clippings here with me that indicate the gravity of the problems of the children of this nation and when one hears that type of talk, one wonders if there is a new Trinidad and Tobago situated somewhere at the entrance to the gates of heaven and we do not know about it.

For as we leave this place here, we are bombarded with all sorts of human wreckage; in the square, on the streets, everywhere. To come here and say that the Government has been trying its best to ameliorate the conditions that exist in the society is indeed to create an extremely false impression. The reality outside there is frightening.

In the *Newsday*, Sunday, June 11, 1995, at page 9, part of the comment of this editorial states:

"Many of the youngsters have been sexually advantaged—raped and sodomised—in exchange for promises of non-existent help. Many may be affected by the AIDS virus, the result of adult molestation. To ignore their plight and that many more, if not all may be exposed, is to ignore that the wider community may eventually be at risk from these child outcasts, who may become health or anti-social time bombs."

When the Member for Naparima said, too little too late, that was perfectly true. I cannot imagine how a Minister could come to this House and make the glib statement that those who are prepared to enjoy the benefits of lovemaking must be prepared to shoulder the responsibility. That is a statement of sheer ignorance. Because when you look at this society and see that nothing has been done, by and large, in the country to prepare people for home and family life, you see that that is merely a statement to take away the responsibility from this Government with the consequences thereof.

3.25 p.m.

Who is to shoulder the responsibility? Why is it we do not have a concerned and responsible community? Can you tell me? It is because the example has not been shown from the top. That is one of the basic reasons. How are people to be

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responsible if there is not a climate that would teach them the values of responsibility? Today, we have a virtually lost generation in this society, and it is because of what has been done in the past; not merely the past five years, but the past 10, 15 or 30 years. We are now reaping the fruits of that.

It is because there are several immoral male philanderers in the society that there is the catastrophe which we have today. I submit that part of the problem is political—whether one likes it or not—because this society and this Government, particularly the Government, have infused in the minds of members of our community that they could get what they want without the corresponding responsibility. That has to be dealt with in any contribution of this nature.

Again, we are talking about people not wanting to pay. Fathers absconding from their responsibilities. Whether one believes it or not, I submit to you today that men are inherently moral but live in an immoral society. Because of that, men want to take care of their children, but many of them fall to pieces because of social pressures. That has to be known. Basically, that is what has been happening, but, as I said, we have not taken cognizance of some of the fundamental problems in the society. The Government speaks about all sorts of matters on the periphery, but is not really getting to the problem.

Have we ever spoken or done anything about a population policy in this society? Was it not one of the early economists who said that as the resources of the country increase in arithmetic progression, the population increases in geometric progression? If Maltese was wrong, then we all should condemn him, but today in this society what we see happening is that there is an ever increasing population without a policy put in place.

To add insult to injury, the distribution of the resources of this country is so skewed, where a few people at the top enjoy a huge percentage of the wealth of this country, and the suffering masses are left to fend for themselves in the garbage heaps and rubbish bins; and in the streets. They talk of “the wretched of the earth” so disparagingly.

Mr. Deputy Speaker, I want to draw your attention to what was said by a writer in the *Sunday Newsday* of May 21, 1995 on page 7, headlined “JP: Save street children from further brutality”—

“Johnson told the *Newsday* that one year ago he had called attention to the phenomenon of street children, between four and 14 years old, soliciting funds on the streets of Port-of-Spain and was told by the Ministry of Social Development that they were 'looking into it'.

However, he said, the problem has since escalated and has now spread to Arima, San Fernando and other towns.

He expressed concern that these children are exposed to physical and sexual abuse by some members of the public in exchange for food or money and often fight among themselves for items received from passers-by, dig into dustbins, or look for leftovers at fastfood shops. He called on the Government, the Ministry of Social Services, churches, and other organisations to help these children."

All these things have been raised over and over again, and there is absolutely no doubt in my mind that in the midst of plenty, there is so much starvation and neglect; in the midst of all the economic growth we still continue to have very serious difficulties in meeting the basic requirements of the mass of suffering humanity in this country.

When we speak like this, our aim here is to put people first and not the IMF, those powerful conglomerates or others who do not struggle by their sweat and blood to do anything for this country, but reap the benefits. Our intention is to re-order the societal values so as to put people first in the development of this country.

It is almost four years now, and the problems are not really diminished. Not at all. The Government has spoken about a reduction in unemployment from 18 per cent to 16.5-plus per cent. If that is the case, that cannot be too acceptable because in a society like ours, a 16 or 17 per cent unemployment rate is extremely high and enough to cause social disaster.

The Government has come here today to seek to amend the laws so that fathers would not run away from fulfilling their responsibilities. As I said, there are many persons today who are wrecked because they cannot really perform the functions of parenting.

Let us look at the education system. What has the education system been doing to promote family life education? Tell me. It is an area that people seem to be concerned about, and, indeed, it is a critical area. One should not speak to youngsters about a few facts; merely about the biology and chemistry of their bodies. It has to be much more than that. Of course, it has to reach what is called a pastoral approach, irrespective of the peculiar form of belief that one might adhere to in this society. *[Interruption]* My colleague has suggested a nice term "pastoral ecumenism".

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From that term could emerge a series of value systems that would assist in elevating the value system of the young. That would not be inculcated from the age of 14, 15 and 16 years. That process has to start at the beginning of socialization of the children. That is the problem.

If one notices, there is quite a qualitative difference in several sectors of our society. In areas where there are denominational schools, there is a certain measure of the value system being imparted that impinges upon family life and this does make a difference.

In some of our schools, like the Government schools, where people are not committed to one value system or another, there is a total disregard for the human element in terms of development, and that is a most important factor which must be developed.

3.35 p.m.

What is the Minister talking about in an education programme? To which group is this education programme targeted? If people do not have a value system they will not be able philosophically to put the world into a perspective by which to live. If that perspective is not there, they become visionless, and without vision, of course, people perish.

If some of us fall victims to the animal nature in man in order to satisfy his ego it is because we have not dealt with a system of education that would start harmonizing us and bringing together the fusion of our super-egos to the extent that we find a harmonious relationship between the beast in man and the level at which he ought to operate in the society and in the community.

We can say all we wish and come here with little drops in the bucket to say we want to make a qualitative difference in the lives of people, but if we do not start the process of education, humanizing our citizens, especially the young, into a value system that teaches them that there ought to be some moral, ethical responsibility for their actions, then we are going to fail.

Mr. Deputy Speaker, you know the problems of sociology in this country and you know how often people have been taken advantage of by others who use them merely as ladders, to climb on their backs with no concern for their plight.

Very early when I was elected Member of Parliament for Caroni Central, I wrote to the Prime Minister of this country concerning some of the problems in Datsunville and Enterprise; about the serious problems in terms of family life, squatting, unemployment, incest, prostitution, child abuse and so forth. There was

no response. I wrote again to the Prime Minister and yet there was no response to me.

Mr. Valley: Mr. Deputy Speaker, would the hon. Member state which Prime Minister he wrote to? He said when he was elected as Member of Parliament for Caroni Central for the first time.

Mr. R. Palackdharrysingh: Mr. Deputy Speaker, there he goes! He does not even know what constituency I represent. If I talk about Caroni Central it has to be this term. This is the only term I have been elected to Caroni Central. I was in Naparima before. He does not know that?

Mr. Valley: Mr. Deputy Speaker, my sincere apologies. I forget he jumps around and plays hopscotch.

Mr. R. Palackdharrysingh: I can come to Diego Martin East and unseat him, too.

Mr. Valley: Come! come!

Mr. R. Palackdharrysingh: He knows that. That is the case. I have written the Prime Minister on two occasions pointing out the very dire problems of a community that is under siege and I have not even had the courtesy of an acknowledgment of my letters. Do you see the kinds of things that happen, Mr. Deputy Speaker?

As the election comes around you would see all sorts of busybodies getting in there to do all sorts of things. I am told what happens in villages that I represent. It is a sort of transient thing. I want you to know that as often as you hear people from Datsunville or Enterprise get into problems with crime and so forth, it is because they have said very clearly no attention has been paid to them. It is dehumanizing to ask citizens anywhere in the world to lend support to your cause for the promise of a "10-days" or a "5-days" and hope on that sort of patronage they would be able to build sustainable families.

Mr. Deputy Speaker, just imagine with your own commitments and obligations what your little income can do for you. When you imagine that, juxtapose it alongside those people who are made of the same flesh and blood, of the same spirit, probably of the same needs, and you would see what happens. This is what is happening.

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When we talk about laws—another big headline—I find this writer, Suzanne Sheppard, does always good investigative reporting. The *Sunday Newsday*, April 2, 1995 says:

"Laws not protecting TT children"

Mr. Deputy Speaker, that is what we are doing now—and now is always in retrospect. Mention has been made by my colleague the Member for Naparima that the family court would be an important institution in this country for the simple reason that it would, of necessity, project a different ethos, not really one of legalism to the extent that somebody is right and somebody is wrong, but a court that would employ the services of people who know the law, people who are versed in social work; people who are psychiatrists, people who are psychologists; people who are teachers, therapists. And that is what is needed.

Look at the fallout when you take legal action against people whose spirit has been broken. They are put in jail, they fail to respond; they are put back in jail, they fail to respond. The third time they come back out they are human wreckage roaming around the streets, and those are the kinds of conditions we are talking about. Would these things really help in any significant way?

The family court, therefore, might have been quite a welcome institution pointing the way not merely to pure legalism, but to establishing a practice that has at its centre the human concern, mitigating the circumstances of the law and the reality and trying to put a human being in the context of the problems with the objective of advancing his life. And that has to be done. If we do not do that, then all our efforts in this society would have been wasted.

I draw your attention, Sir, to a booklet called *Demographic and Health Survey in 1987*. I do not know if there is a later edition, but I am going to use some snippets from this one that say a few things of which we ought to take cognizance. It says:

"The population of Trinidad and Tobago, estimated at 1.2 million in mid-1986, is increasing at a rate of 1.5 percent per year."

"It is projected to reach 1.6 million by the year 2000. The growth is caused by an excess of births over deaths due to the decline in the crude death rate between 1920 and 1970. Many gains have been made in health and the quality of life; however, population increase, in conjunction with the economic downturn resulting from the collapse of oil prices in the 1980s, may limit future gains."

3.45 p.m.

Mr. Deputy Speaker: Could the Member state for the record, the name of the document from which he is quoting?

Mr. R. Palackdharrysingh: Mr. Deputy Speaker, it is the *Trinidad and Tobago Demographic and Health Survey 1987* The Family Planning Association of Trinidad and Tobago, No. 143 Henry Street, Port of Spain, dated October 1990.

"Fertility

Fertility declined slightly in the decade between the two surveys. In the five years before the TTDHS, women were having children at a rate which would give them an average of 3.1 children during their lifetime, compared with a rate of 3.4 in the five years before the 1977 TTFS. Although the recent decline appears modest, it represents a significant decline from earlier years. Women currently age 40-49—who have largely completed their childbearing—have an average of 4.3 children."

Mr. Deputy Speaker, it is pointing to a net increase in population. It is very obvious from the data that we have—that while there may be between 7,000 and 8,000 deaths per year in this country, there are about 27,000 to 28,000 births, so there is an increase of about 20,000 persons. That is of great significance, so planning has to take into consideration some of these measures. The survey says:

"At present, the better educated a woman is, the lower her fertility is likely to be. GCE certification, rather than the number of years of education, seems to be associated with lower fertility. Women with primary education give birth to about 3.5 children each, and women with some secondary education (but fewer than 5 "O" level exams) have about 3.2. This contrasts with women who have at least 5 "O" levels, or either "A" level or university education, who, if current trends prevail, will have only 2.3 children during their reproductive years."

So clearly, Mr. Deputy Speaker, what is being said here is a fact. When the education system cannot respond to placing about 10,000 of our children—approximately 5,000 being female—on an annual basis, it is reflected in their pattern of mating. In this instance, one sees that there is an inverse relationship between the family size and education.

The trend shows that the more educated people are, the families are much smaller than those who are not so educated. At the same time there is also an inverse relationship with regard to the income pattern, that is to say, people with

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better qualifications earn more than those with less qualifications. It shows, basically, that we have a serious problem with family life and education, particularly among persons who are not able to access higher education and other facilities to improve their life conditions.

As we debate this Bill today, we are merely touching the tip of the iceberg. The radical causes have not been addressed in this society and unless we address them, I believe we would not be taking this society anywhere. We must therefore, be able to look at families with respect to their emotional needs. That is one aspect of services we have hardly had. When one looks at some of the so-called social workers we have, one does not know whether they are trained to handle this type of situation.

We must look at the family as an economic unit. One of the jobs of the family is to always provide for themselves, but importantly, procreation is a natural function of family life because without procreation when this generation becomes old there would be no replacement; therefore that is also part of the functions.

The welfare concerns of the family must be looked at and family members have to be protected, even by the state. Where there is no employment they must be supported until such time as the state is able to find jobs for them. If we cannot take care of the children, we are not taking care of the society.

I am not impressed at all with what has been said. The root causes have not been addressed, no policy seems to be forthcoming. All we are doing is trying to put a patch here and a patch there with no thorough analysis and reordering of the society with respect to the optimum population that we want, the type of needs we have in terms of training, the way that we use the human resources we have. All we have here is trade liberalization, a free for all for the big monopolists who can always put the middle class at the margin, if there is one, and keep poor people downtrodden for years.

Sir, we have not begun to address the concerns of human values and human development and as such, no matter what we do, this society is always taking steps backward, never going forward. I am not very optimistic that there would be any real advantage by bringing this Bill, because there is much more to be done and unless we have the courage to tackle this very basic and fundamental problem, we are only spinning top in mud.

Miss Indera Sagewan (*Caroni East*): Mr. Deputy Speaker, this afternoon, I stand to make a contribution to the debate, not as the Member for Caroni East, not as the Member sitting on one of the Opposition Benches, but, more importantly,

as a woman; a woman who sits in one of the highest offices of this land, an office which, by and large, through our history has reflected the structure of our society; a structure that has been, and continues to be, largely patriarchal.

Women in most institutions in the country are a minority. When we have the opportunity to make any strides it is through hard work, dedication and overcoming such tremendous obstacles that it is always an opportunity to give great praise when we succeed.

I listened to the contributions made on this Bill and I find it very amusing that when one looks at the parent Act, and at the jargon in which it is written, one sees that reference is made to a person who may be seeking to secure maintenance for children.

3.55 p.m.

It does not speak of a woman, it speaks of a person, so really it does not speak of male or female, it is gender neutral. Yet, the contributions which have been made speak of the woman seeking maintenance for a family, and, again, that is very instructive because it is reflective of our reality. It is instructive of a reality in which women have been relegated to a position in which they are highly abused, for want of a better word; one where they are very vulnerable; they are at the mercy of the men in our society.

The parent Act was passed in 1988 which is not so long ago, and the concern has been voiced more than once this afternoon that something must have been wrong with the framers of this piece of legislation. But one has to go further and say that something must have been wrong with the Members who were sitting in this House at the time and passed that piece of legislation. Something must have been wrong with all of those Members who voted for that piece of legislation. I was not there, and I do not have the records to say who voted for it. Something had to have been wrong, and I agree with that.

We come here with amendments today, and it has been said that these amendments reflect a step in the right direction. I agree that it is a step in the right direction, but I think it is a baby step. I would like to ask another question. What happened before 1988? The parent Act was passed in 1988, but what was happening in our society previous to 1988? What of 1960, 1970? Were not the same problems occurring? In those years, were not women being left aside, being abandoned by men as they strove to bring up their children?

I have had the opportunity to study sociology in a very limited way at the University of the West Indies and what I learned in the study of the Caribbean

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family structure is that a major feature of it since slavery and post slavery, has been one where we have our family structure being largely run by a single parent, and, as has been said, that single parent has been a woman. We have had since slavery a situation where the men of our society have absconded on their responsibility. He who has sired us as a family has a responsibility to look after that family.

This Bill, while it is a step in the right direction—I agree with that—it highlights once again the continued and, as the Member for Caroni Central and the other Members have said, breakdown in human values which continues to be perpetuated in our society. It highlights further, the inability of those of us who manage this country at the highest level to do something positive to correct this destruction which is taking place in our social fabric.

It is for these reasons, that I, as a young politician, thought that I would be absconding from my responsibility if I did not take the opportunity to make a contribution on this Bill. It is those of us who hold the mantle in terms of the management of the society who are in the best positions and the best seats to change what is happening in our society, but sufficient is not being done in this regard.

It is obvious that we will speak about the woman seeking maintenance for family, and the men and husbands or common-law husbands not meeting their obligations, because that is our historic experience. What continues to be our experience and our reality is the absence of a serious policy, notwithstanding the fact that we have a Ministry of Women's Affairs the major arm of which deals with women's affairs.

There is the absence of a serious policy to empower women in this country. If we seriously address the empowerment of women, then we could come and debate this Bill in its correct jargon and we could talk about a person seeking maintenance, whether that person is male or female.

Internationally, there has been an upsurge in the movement for the empowerment of women. We see that in Trinidad and Tobago this reality that is out there is reflected here, and, as a consequence, women today are doctors, lawyers, Members of Parliament. We understand that it is not simply our role to be barefooted and pregnant in the kitchen but we can be anything that we want to be, and we have sought to empower ourselves.

I am very pleased that so many of our male Members of Parliament have spoken on this Bill today because I feel certain that if not 5 years from now,

maybe 10 years from now, the men in our society will be able to say “thank you” for this amendment because it might, by and large, be those men who would be seeking the enforcement of this order against women.

Fortunately though, and our history has shown this as well, it is our women who are the responsible agents in our society. It is the women who bring up our families, and in taking our responsibilities seriously, I feel certain that when that time comes—and that time will come, the men will not have to go through the same burdens and the same hardships that the women today and of yesterday have had to go through because we will discharge our responsibility as we should.

Before I conclude let me say that I do not want it to be interpreted that the Member for Caroni East is anti-men. Far from it. I recognize that the women in our society must take our fair share of responsibility for the society that we have today, because it is the mothers who bring up the sons, and it is the mothers who bring up the daughters, yes. To a large extent we have to accept responsibility for the minds of our sons in the society that we have, because we have brought them up, and we continue to bring them up looking at women as second-class citizens. This is an issue we have to address as well.

4.05 p.m.

In the final analysis we have to change this reality. It is men and women working hand in hand who must do so, and who must engender a society which reflects the reality we want it to reflect, one with a high level of moral and human values, where we do not have to have these kinds of problems that we have today, where people are running away from their responsibilities, for bringing up children, and securing the future of our society.

As the Member for Caroni Central said, we have lost a generation. That is the truth. We have to now make a decision as to whether we want to lose a second generation. I trust that we in this House do not want to do that.

This is just one small step in that process. It is disappointing that it comes almost four years after the Government has been in office, but it still has one year and I trust that in that year it will seek to make significant strides at a much faster rate than it has been doing thus far.

I thank you, Mr. Deputy Speaker.

The Minister of Sport and Youth Affairs (Hon. Jean Pierre TC): Mr. Deputy Speaker, I rise in support of my colleague who is piloting this Bill. Sir, it

is also very enlightening to see Members on the opposite side looking to support this Bill, considering that there may be some difficulty in its passage.

Some Members on the other side spoke about our women carrying the burden. One Member also accused Government of not having programmes in place to assist our young people through adulthood. Let me just read from our manifesto, page 34: "Youth.":

- "- Inculcate in our youth a commitment to nation building, loyalty to country, the virtues and value of family life, sound morals and acceptable standards of behaviour."

Programmes are in place for our young people to make that transition and to look at family life. Some programmes we have in place are the Leadership Development Training Programme, and that is in all areas. We have vocational camps where we bring in the young people and assist them with their own family life and their future family. We have youth exchanges, with the youth coming from rural districts and mixing with other youth to have that kind of exchange. We have national programmes; we have personal counselling.

One of the very important programmes is social education which prepares young people for transition, to be responsible young adults by giving them social life skills. Social education relates to those experimental processes which assist in the personal and social development of young people. I make that point because one of the Members on the other side said that we do not have programmes in place for young people pertaining to the family.

The social development processes include personal development, leadership training, coping skills, community education where they interact with their elders and they learn about the experiences of their elders. It also includes leisure-time activities which would absorb some of the energy, instead of the youth getting involved, probably, in starting a family too early.

Mr. Palackdharrysingh: There are no sporting facilities.

Hon. J. Pierre: There are enough sporting facilities. The Member for Caroni Central knows that we are having a sporting facility at Caroni.

Those programmes are designed to improve their quality of life. We have this special project, enhancing self-esteem. If there is self-esteem, there is confidence, and with that confidence the necessary education is sought, exposing the young adults to family life education.

Our children are our future and we must consider their welfare. As the Member for Caroni East said, it is mostly our women who nurture the child. There is a quotation, "The hand that rocks the cradle rules the world." That pertains mainly to women and it is, indeed, a fact.

When the young single mothers are not able to see their children fed properly, clothed, have an education, they become very frustrated and that frustration brings about so many different ills. That is one of the reasons for this Bill, for mothers to get that assurance that their children are going to be fed; that they do not have to worry too much that things are not going to be in place for them.

These measures that are going to be put in place would assist them. We speak about the future, the fabric of our society, our young people. They would be assured of an education; that food is on the table, so that the mothers are not going to be frustrated; hence they would be able to have a good life.

Programmes are also put in place, like the Small Business Development Programme. That empowers some of the young women to gain some financial backing so they, too, can assist themselves and their children.

With this short intervention, I, too, would like to congratulate my colleague on piloting this Bill and hope that we would get the support of the other side.

I thank you, Mr. Deputy Speaker.

4.15 p.m.

Mr. Chandresh Sharma (Fyzabad): Mr. Deputy Speaker, in listening to my colleagues on the other side, one could clearly hear the signals of the crisis in which we are finding ourselves; moreso, the women and children of Trinidad and Tobago.

The Minister, closed his presentation, by saying that those who engage in lovemaking should be prepared to be responsible for the results. It reminds me of an Eastern philosophy which says that those who eat the banana should be very careful in discarding the skin.

In terms of responsibility, at this point, more than 31 per cent of the population is under the age of 14. If our population is so young, then it means that responsibility has not taken effect at all. More than that, the fact that this Bill comes to this House for approval, and also the information presented here today, indicates that family responsibility is not reaching those whom it ought to reach. It clearly indicates that the Government is not delivering as it has promised.

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The breakdown in family life certainly has to do with Government's policies. That is absolutely clear. The Government convinced the national community that it has the ability to address the problems of the nation. If we are faced today with so many cases of mothers having to go to the courts to seek assistance for themselves and their children, then it means that the policies put out by the Government are not, working.

I draw attention to clause 11, which deals with the person who is referred to as the employer. This does not address the case of the contractual worker. In looking at clause 6 one sees that it does not address the case of the self-employed persons. Immediately, one could see that this Bill addresses only a sector of the community, so a number of children are not going to enjoy the protection of this Bill, which questions the purpose of the whole Bill. This Bill should apply equally to all. All should be receiving equal treatment from this Bill. Immediately, it takes away a large sector of the community; be it the taxi drivers, the doubles vendor, etc.

Since this Bill is coming four years later, one would have thought that issues would have been addressed comprehensively. Also, it raises the question, as the Member for Barataria/San Juan indicated, of a man fathering children in different parts of the country. It raises the question: How would quantum of moneys be decided upon?

If one takes an example where the particular father has children in five magisterial districts, how would the courts be aware that the moneys would be reaching the needy families?

More than that, the Bill attempts to identify source of income, meaning that when the Bill is passed, a mother, or applicant, could receive money from the source of income. If there are no sources of income, meaning that the person is unemployed, or the money is so small that it cannot be obtained, what facilities are there? It raises the question of the Social Welfare Department, which was also raised by the Member for Naparima. What provisions are there for equality of treatment?

Our own findings are that many persons who go to the Social Welfare Department are very often given a runaround. They are asked to produce all sorts of information and documentation which for the most part, is not within their reach. One would have felt, that the Minister of Social Development, in presenting this Bill today, would have advised this House of what machinery is in place to address those homes that cannot obtain money from the source of income.

Also, the question of assistance in other areas. Recently, it was said that books would be provided on a rental basis to children. We are already entering the second month of school and the books are not yet available, and persons going to the Social Welfare Department are also told to come back. That is all that they are being told. When the announcement was made that books would be made available, a second one should have been made advising of the time it would become available, so that mothers who are unable to even provide the taxi fare, would not have to go to these offices week after week.

The Member for Port of Spain South indicated the frustrations of the youths of this country, and I would have thought it appropriate today that the Minister of Education would have made a statement on the situation of the CXC results in Trinidad. Quite a number of children are awaiting the CXC results and every day the only information they obtain is through the newspapers, or electronic media, that the results would come out on Monday or Wednesday and this leads to tremendous frustration in the home.

The Minister in presenting the Bill, also spoke about priority of payments and that he could not understand how mortgage or car payments were placed before payment for a child's maintenance. I ask the question: What if the car payments have to be made because it is the source of income. If a father operates a maxi-taxi or a conventional taxi, and does not pay the instalments on his taxi, then he cannot have an income so he cannot meet the applicant's request. Consideration has to be given to that.

One cannot say, across the board that the payments would be prioritized, and take away the ability to earn the income. Perhaps, that was an oversight on the Minister's part.

What the Minister said was that mortgage and car payments came before payments for maintenance but, in some instances, one would find that car payments, or even mortgage payments—because the mortgage might be related to the operations of a business—

The other matter I want to raise, that was raised by the Member for Baratavia/San Juan, is the one of women's organizations which have received numerous reports—the Minister in his presentation also indicated that. The question is: What assistance is lent to the women's organizations or organizations on the whole? The Minister spoke about responsibility and that we have to lend assistance to these organizations. Very often we enquire from the other organizations that seek assistance—the Child Welfare League Women's Group—

to help develop their communities and that assistance, in many instances, does not come or it comes very late.

For instance, the Ministry of Education has a programme under the National Training Board where skills development courses are offered. I think it was the Member for Caroni East who spoke about getting the women educated or developing skills so that they can earn an income. The point is that the National Training Board has not been able to get this programme going for this year. It was supposed to have started more than one month ago. In many cases people who have signed up for these courses are not able to start because the location, material or funding is not available.

Mr. Ramrekersingh: Precisely what courses are the hon. Member talking about?

Mr. C. Sharma: Thank you. There are 56 skills development courses, I understand, that are available. In my area, for instance, the courses have not yet begun in the NGO groups in schools. The reason for this is that the allocation to pay tutors have not been made available, or in some instances, the course material, which is assisted through this programme, has not been made available. Perhaps the Minister would want to tell us if that is correct.

Mr. Ramrekersingh: Mr. Deputy Speaker, I think the hon. Member is confusing programmes. He may be thinking of the YTEP Programme as distinct from the National Training Board Programme. YTEPP operates in cycles. A cycle has just been completed and a new one is to start in October.

4.25 p.m.

Mr. C. Sharma: Mr. Deputy Speaker, I am not referring to the Youth Training and Employment Partnership Programme. I am referring to the NTB Programme where persons who are unemployed and are over the age for YTEPP—YTEPP is for persons up to age 25. These are for persons up to age 55 who, perhaps, were retrenched from their places of employment—but the courses have not yet begun.

Mr. Deputy Speaker: Is the Member speaking about the on-the-job training programme or YTEPP? I think this is what the Minister is trying to get. I think there is a difference in the programmes. Exactly which programme is the Member speaking of?

Mr. C. Sharma: It is my understanding—and I have worked with some of the groups—that the programme comes under the National Training Board. For

instance, last year the programme was available in areas in my community. This year it is unavailable.

Mr. Sobion: You do not know which programme you are talking about.

Mr. C. Sharma: I am aware that the programmes are under the NTB. I am talking about the adult programmes. The fact of the matter is that the programme has not yet begun. It does not matter which ministry it comes under; the adult education programmes are run under the National Training Board, have not yet begun. They were in operation last year and they have not started yet this year. If we are to assist women's organizations, if we are to assist women on the whole, these programmes are essential.

The other area I want to touch on is parenting. It was said at some time by the Government that efforts would be made to start programmes. Programmes in many areas have not yet begun. I am not saying that they may not be obtainable in certain areas. If one wants to introduce these programmes to have maximum effect it must be done across the country. It is not that you select areas and leave it there. You may select areas on a trial basis. The point is at some time it should reach more and more areas.

Also, the Child's Welfare League has sought assistance from the Government—I am referring to the league in Fyzabad—and for whatever reason it has not been able to get assistance. Assistance has been promised to them. I understand the league at Diego Martin, as well, are seeking assistance in putting up a structure. While they have indicated that they have funds for the structure, they have applied to the Government for a parcel of land and that has not come to them as yet.

The other area I want to look at is the forms, particularly, the form which indicates that payment may go to the banks among other places. I am referring to Schedule 5 Form 1. It says payment can go:

- "(1) directly to the applicant,
- (2) to the bank account specified herein
- (3) to the Collecting Officer...
- (4) directly to the person entitled to receive payment ..."

I am looking at the hard hit areas, for instance, the Cedros and Palo Seco areas. Perhaps these moneys can be approved to be paid into the credit union account of the holder. We can automatically see someone having to leave Cedros and go into

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Point Fortin or someone having to leave Erin/Palo Seco, and go into Siparia or Fyzabad to obtain payments. In most of these communities there are credit union facilities. If that is allowed, persons would automatically develop a savings with the credit union. But more than that, they can from time to time access small amounts of money to purchase school books, or if there is a medical emergency, moneys may be obtainable at that time.

I want the Minister to explore the possibility of making moneys payable to other financial institutions. I am sure these financial institutions would also be under the regulations of the Financial Act.

Mr. Deputy Speaker, I want to go back to the source of earnings—

4.30 p.m.: *Sitting suspended.*

5.05 p.m.: *Sitting resumed.*

Mr. C. Sharma: Mr. Deputy Speaker, before the tea break I was discussing the employment of women. I made the point that much more effort would have to be made to assist women with their own development to minimize the problems they now face. Side by side with the social safety net, is the question of what other assistance can be made available.

One of the areas I am suggesting, is the development of their skills. Mothers would obviously have the responsibility of caring for their children so they would not have the time to attend a whole-day school or, in some instances, work outside their homes. Efforts can be made to help them develop skills that they can do at their homes, for example, small craft items, sewing and so forth, then, immediately, they would be able to earn some measure of income.

It also raises the question of the effectiveness of the minimum wage. We have spoken about that in this House on numerous occasions but to the present time that has not been implemented. There are still a number of people working at different places who receive much less than what the Minimum Wages Act has stipulated. As a result, when these people have to face the courts they would not be in a position to make any meaningful contributions, financially or otherwise.

There are a number of areas that concern us in this Bill. The Bill excludes a large cross-section of the population. It deals, to a large extent, with salaried workers, who, most times are already contributing because they fear the embarrassment. It excludes self-employed people; taxi drivers and people on contracts and so forth. It also ignores those fathers whose income cannot be easily determined. We have instances where the Board of Inland Revenue finds it

difficult to indicate what is their real income. How will the court determine quantum with persons under this heading? What will be a satisfactory quantum for an applicant to receive? One has to take into consideration the cost of living today.

There have been numerous newspaper reports about defaulting police officers and it also raises the question that they would have to execute the warrants in this matter. What machinery can we put in place to address this particular area? Many of the Members who spoke today indicated that there was a difficulty in delivering the summonses, and one can easily see why. The question is, how can we best address it?

The last area I want to touch on, is with respect to applicants with the social safety benefits. When a case is determined in the court, the court decides what sum of money should be paid and if the fathers do not have the moneys, in most cases the applicants are referred to the Social Welfare Department. My own investigation into this matter is that when they get there they are told that they have a relative who can assist.

The relative may not necessarily be in a position to help or the applicant is seen in the company of a person who appears to have some source of income. The Social Welfare Department says to this person, "You are seen with this person, why is this person not supporting you?" The individual cases are never examined so there is no equality of treatment at the Social Welfare Department. This is a matter that the Minister must address.

Mr. Deputy Speaker, I feel that once the Minister gives us meaningful responses in these areas, he will surely earn our support.

Mr. Trevor Sudama (*Oropouche*): Mr. Deputy Speaker, I rise to make my concerns felt on this Bill before us and may I inform the Member for Baratavia/San Juan that in all the elections I have fought, the majority support came from the women in my constituency. As I stand here today, I stand as their representative to express their concerns in this House.

I want to make some general observations. I am not concerned with the mechanics of how earnings are attached and so forth. The root of the problem that we are confronted with is how to get adequate resources, financial and otherwise, to maintain the children in the home. The root of that problem is a historical, cultural attitude problem in this society. It has to do with our sense of discipline and responsibility.

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This is a cultural problem which has been induced by 34 years of PNM rule in which indiscipline and irresponsibility in this society has been put at a premium. Not that the problem was not there, but it was cultivated and cultured *[Interruption]* I am talking about indiscipline and irresponsibility in the whole society, and from that, one would get individual indiscipline and irresponsibility because we are looking at the problem at a larger level. *[Interruption]*

Mr. Deputy Speaker, the Member for Diego Martin West keeps interrupting, I do not want to refer again to why he had to run away from Tobago. I am trying to make a point about a societal problem: indiscipline and irresponsibility. Of course, the Member is demonstrating that by his behaviour here.

The problem of irresponsibility in this society is a very large one and if one listens to Lloyd Best—

Dr. Rowley: Who? *[Laughter]*.

Mr. T. Sudama: Whatever disagreements one has with Lloyd Best, he makes one point—*[Laughter]* Mr. Deputy Speaker, you see the attitude we face on the other side? Mr. Lloyd Best makes the point that as a society we are not prepared to accept responsibility for our actions, and therefore, as individuals, one can understand the nature of the problem.

5.15 p.m.

Mr. Valley: Mr. Deputy Speaker, the Member's name is not on this list?

Mr. T. Sudama: Which list? *[Laughter]* Mr. Deputy Speaker, I am a representative in this House, and when I feel that there is need for something to be said on a Bill, I believe I have the right to make my position clear. *[Interruption]*

Sir, I am trying to make a serious point but the response I am getting from the other side—How have we reached this stage in our society where it is confirmed at every level we are an indisciplined society and we are lacking in responsibility? How have we reached this stage? We have not reached that overnight, we have had 34 years of PNM rule and have come to the point where people are not willing to take responsibility for their actions. And that is not the only problem.

The Member for Caroni East spoke about the family structure in Caribbean countries. There is a peculiarity about the family structure, and it did not come overnight. As a Government and as a society we need to take note of that and we need to understand what has to be done to deal with a family structure which puts

the burden inordinately on one parent. What has to be done in order that we change the values which form family relationships? What do we need to do as a country? I have heard nothing in this whole debate about any assessment or understanding of the problem or, indeed, doing something meaningful about it.

We have heard of the impracticality in certain instances of implementing this Bill, of attaching earnings and all the hurdles and problems which are associated with doing so, and the Member for Fyzabad has made the point that this will only apply to people who are employed and have some kind of identifiable source of income.

What about those people who father children and are not employed, and who for one reason or the other cannot be found, they abscond? What is the position with respect to those unfortunate children in the care of a single parent? What we are trying to do is to address a minimal part of the problem, and I am afraid that we are not looking at the larger picture which confronts us.

This is a problem which is not confined to any area of Trinidad. This is a problem which is widespread throughout the various districts of Trinidad with respect to the single-parent family and the difficulty of the single-parent family to cope with the day-to-day burdens of bringing up a family with which they are confronted.

In my constituency office I get these problems coming to me—women who cannot find their husbands, their husbands have absconded. They cannot find work, they just go out, their husbands' whereabouts are not known, and they are left with a number of children whom they have to rear.

They then go to the Social Welfare Department and are told they are not disabled and they have to find work. The woman says she cannot find any work to do, she cannot find her husband, there is no question of attaching his earnings, and even if he is summoned, he cannot be traced wherever he is. What is to be done? The Social Welfare Department says these are the rules and regulations by which they work and there is nothing that can be done for them.

One then needs to get a certificate saying one is medically unfit to work. These are fairly young persons who cannot get any medical certificate of unfitness, cannot find a job, cannot get any relief from the Social Welfare Department; they come to the parliamentary representative and I am in no position to help them either, because the system does not allow me to assist them.

The department of government, their rules and regulations and so forth—I do not know where to send them to get a job, there is nowhere. If they are sent at all

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to the URP Programme and, of course, if the Member for Oropouche sends them with a recommendation to URP, one can rest assured that they are not getting any work at all.

Let us assume that they go on their own volition to the regional office. Mr. Deputy Speaker, do you know what they are required to do, and it is a well-known fact? They are required—and it is the PNM people who are in charge of URP in terms of recruitment, PNM activists and agents—to sell their bodies in order to get a “10-days” work. This is what is happening—your corrupt administration. This is a fact of life. You may say whatever you want in this House, but this is known throughout Trinidad and Tobago. Then you are coming here to tell us that you are bringing a Bill that will protect women and attach the earnings of the parent. *[Interruption]*

I did not have to run away from Tobago for interfering with school girls; I did not have to do that. You can deny it as much as you want, it is a fact. Is it not? It is a fact and you are a Minister of Government. You should be in jail, a fellow with that kind of background.

Dr. Rowley: Come outside and say that. You would not know what to interfere with.

Mr. T. Sudama: This is the point I am trying to make, here are people left with two and three children—

Mr. Deputy Speaker: Members, I am having difficulty in following the debate. I am pleading with you, once more, to allow the Member to make his contribution. Proceed.

Dr. Rowley: Mr. Deputy Speaker—

Mr. Deputy Speaker: Are you giving way to the Member?

Mr. T. Sudama: Yes. Let him talk, let him explain.

Dr. Rowley: Mr. Deputy Speaker, I was trying to assist the honourable House. I knew the man had nothing to say, he has now confirmed that he has nothing to say.

Mr. T. Sudama: Sit down! Just sit down.

Dr. Rowley: He has nothing to say, but talk foolishness.

Mr. T. Sudama: Mr. Deputy Speaker, I am trying to bring to this House the plight of thousands of single mothers in Trinidad and Tobago who have nowhere

to turn to get some measure of relief to maintain their family. No jobs, no relief from the Social Welfare Department, nowhere to turn, cannot trace their husbands or common-law husbands, as the case may be—that is a fact of life—but Members opposite come here and pretend that these things do not exist in our country. They live in a different world. What we say on this side is of no account to them. Their minds, they are blank.

Dr. Rowley rose—

Member: Sit down! Sit down!

Dr. Rowley: Mr. Deputy Speaker, I rise on a point of order.

Hon. Member: On a point of order? Sit down!

Mr. T. Sudama: What is the point of order?

Dr. Rowley: Mr. Deputy Speaker, I was expecting that the Member would have withdrawn his comment, but since he has not withdrawn done, just for the sake of the record, since what he has said is on the parliamentary record, I would like to indicate that I have interfered with no school girl in Tobago. I thought I should respond to that ridiculous comment.

Mr. B. Panday: Or at all.

Mr. T. Sudama: Mr. Deputy Speaker, all I want to ask the other side is, they if are aware of this problem of thousands of single mothers in Trinidad and Tobago who have to carry the burden of maintaining a family on their own; and if they are aware, what their plans and programmes and are, what they have done about it.

5.25 p.m.

The other question that we have to deal with is the restructuring of gender roles in this society.

Dr. Rowley: Mr. Deputy Speaker, I rise again on a point of order. I was expecting that the Member would do the honourable thing and withdraw that statement. I am now requesting formally that that statement be withdrawn and be expunged from the record. Unless the Member can demonstrate that there is a basis for making that statement, I am requesting that that statement be withdrawn. I await your ruling, Mr. Deputy Speaker.

Mr. T. Sudama: Mr. Deputy Speaker, I am proceeding with my contribution. I have ignored the Member, as I shall have to ignore him now, because he

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indicated that I could not be serious with that statement, and that is the end of the matter. I am not withdrawing anything and he can proceed from there.

Dr. Rowley: On a point of order, Mr. Deputy Speaker. According to the Standing Orders of the House, a Member is not supposed to make statements of that nature. I am requesting that the Member withdraw that statement so it can be expunged from the record. Had he said so outside this House, I would have dealt with him appropriately, but the matter is now in your hands, Mr. Deputy Speaker.

Mr. Deputy Speaker: Would the hon. Member withdraw the statement and proceed, please. I am sure the Member is well aware of the relevant Standing Order.

Mr. T. Sudama: Mr. Deputy Speaker, if the Member will indicate the statement that I made—I made a number of statements here. What is the particular statement to which he is taking offence?

Mr. Deputy Speaker: When the Member raised the point of order, he made the statement, but for your benefit I would ask the Member for Diego Martin West to state clearly the statement he wants withdrawn.

Dr. Rowley: Mr. Deputy Speaker, the Member for Oropouche, in his presentation, has put on the parliamentary record that the Member for Diego Martin West had to run away from Tobago because he interfered with school girls. I am asking that that statement be withdrawn and expunged from the parliamentary record.

Mr. T. Sudama: Mr. Deputy Speaker, I never said the Member for Diego Martin West. What I said was, I did not have to run away from Tobago. I did not make any reference to the Member for Diego Martin West. So if he wants that withdrawn, fine, that would be withdrawn, because I did not run away.

Dr. Rowley: Mr. Deputy Speaker, I am insisting that as a matter for the parliamentary record that that statement which clearly referred to me—the Member could say what he wants—be expunged from the records of the Parliament. The matter is with you now, Mr. Deputy Speaker.

Mr. Deputy Speaker: The best way for me to resolve this matter is to request the statement from *Hansard*. If, indeed, those words were said, I would have them withdrawn from the record I cannot say, verbatim, what was said. The Member is denying he said it that way. We will request the verbatim from *Hansard* and if, indeed, that was said, I would have it expunged from the record.

Will the Member proceed, please.

Mr. T. Sudama: Mr. Deputy Speaker, the next problem we have is the changing of gender roles in the family structure, and, I suppose, not only in the Caribbean, but elsewhere. Who is really responsible for what? Who is the person who is primarily responsible for the maintenance of the family in the Caribbean social system? I think that is causing a certain problem, because what we are seeing is that women—and this is not something to be deplored—are taking more and more of a responsible role in the society.

Women are having careers which were not open to them before; they are advancing in the society, and to some extent they are seen to be the dominant figure in the home. If that is the case, what you have, really, is a kind of creeping emasculation of the male in this female/male relationship. It is a psychological problem and many people really do not know how to deal with it. Some people respond by just running away from that problem. But you can see the consequences of that on family relationships and the family structure.

I think that is another root problem that we face with respect to what is happening in the family, because as representatives of constituencies in which these family problems abound, we have to take a more incisive look at what is happening in the society and try to devise ways and means to address those problems. If we deal only with the superficialities; if we deal only with the external expression of some of the problems, we would forever be chasing around the externalities not dealing with the basis of the problems that confront us, and devising policies to address them as we go along. That is a thought that I would wish to put on the record of this House to indicate what I perceive the problem to be and the basis of the problem.

It was mentioned that there are programmes to deal with changing people's attitudes, at home, in the school, the community. The major influences, of course, are the home, the school, and the community and the Church, which seems today to be losing its influence to some degree. They forgot to mention the media. If you have programmes dealing with family life values, how are those policies going to be implemented to reach the home and the school? I am contending that the education system has been very lax and very deficient in dealing with this longstanding problem.

Now we hear that the Government is going to introduce programmes in primary schools and I would think, also, in secondary schools and elsewhere, and start as early as possible to instil into the younger people the whole question of values and, indeed, to instil in parents the importance of proper family values.

So it is not only a problem of the school; it is a problem of the home. But what you have is a whole culture which is pushing people and influencing them in different directions. The cultural values of this society promoted and propagated by the Government are pushing people in another direction and you are trying to create counter-programmes to deal with the problem at the level of the school, the home, etc.

5.35 p.m.

The media significantly influence discipline in the home, the school and the society. The media have a significant role to play in the attempt to bring about a restructuring of the values of our society. When one looks at what appears in the media in this society, particularly the television, one sees programme after programme which militates against the advancement of proper family values. If the Government is concerned, would it not use the media to promote programmes which would instil proper life values and family values in the society?

What we have heard today from the Member for Barataria/San Juan is that the Government has plans and programmes. The Government always has plans and programmes. It always has people writing up little reports, but what we do not have is concrete results from these plans and programmes.

Nothing concrete comes out on the question of how we educate families and young people in the society to deal with their thinking and attitude towards life. There is always a plan or a programme on paper. This is why I refer to this Government as the "paper Government of Trinidad and Tobago."

For example, the Member for Port of Spain South spoke of the many plans the Government has for youths and sports, and all sorts of things. Whatever these plans are, they do not reach the constituency of Oropouche. I do not know where they reach, but they do not reach. The people of Oropouche have not benefited from any national sporting or youth programme of the Government. All we have had is talk, more talk and nothing else. I do not know where these programmes are.

When Members of the Government read these platitudes into the record of the House, they are only impressing themselves. They impress neither this side nor the wider population as to what concrete steps they are taking to address some of these social problems with which we are confronted and which is, in fact, the basis of this measure before us. They are trying to address a social problem that we have in Trinidad and Tobago.

I want to make a point with respect to YTEPP. These classes, by and large, address the concerns of women; there are classes in sewing, dress designing and all these other things. The people who join these classes are mostly women; they try to upgrade their skills in order to gain employment, and this would be in a better position to attract financial resources to their homes and look after family needs.

For a few years now I have been trying to get some YTEPP classes started in my constituency, but it is always a promise from one YTEPP director or officer. In fact, in a place called Harbajan Trace in my constituency, we even had a formal opening, which I attended and was a speaker, about two or three months ago. An officer from YTEPP was there and everything was promised.

Up to today no YTEPP classes, but just “ole” talk. This is the pattern and experience we have had with the Government and its bureaucracy. Merely a set of loud promises with no action to follow. When we sit here and treat the expressions from the other side with scepticism, one should understand why.

The Government says that the unemployment rate is falling, but from the experience in my own constituency, I do not know where it is falling. The unemployment rate in the constituency of Oropouche is rising, not falling. With the demise of agriculture, and all the other services which people try to engage in, do you know what they are doing? There are vendors in my constituency—mostly female—who are trying to eke out a livelihood in order to maintain their families.

Do you know what this Minister of Works and Transport did? He got the San Fernando City Police, who have no jurisdiction in this matter, to threaten these people and demolish their structures, when all that they were trying to do was earn a livelihood to look after their families; many of them are single-parent families.

The Government does that on the one hand, which is oppressive and harsh, and when we ask that they build lay-bys to deal with the problem, they say that causes traffic hazards. The Government spent \$3.2 million to relocate the “Drag Brothers, who are vendors, but what did the Government do for the people in Oropouche and Cross Crossing? The Minister broke down their shacks and deprived them of a livelihood. This is the response to single-parent mothers who are trying to earn a livelihood to maintain their homes and look after their children.

That is the Government's response, but it comes here now with this big thing about attaching earnings at source, and feels that it is solving a big problem.

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There is this whole scenario with which we are dealing—the drum beating of the other side as regards what Government is doing; when in fact it is doing absolutely nothing to alleviate these critical social problems we face. The Government comes to this House—as it goes to the media, and to every opening of whatever—proclaiming how it is performing, but the reality is that it is really doing nothing. The crisis in this society and the rate of poverty and pauperization are proceeding apace but the Government boasts.

We are saying that we would not oppose this measure, but, as we said, this is merely a drop in the bucket in terms of trying to solve some of the more urgent social problems which affect, particularly, single-parent households in our country, and we are all concerned about it. We feel that the Government has a duty to have a wider view of the problem, and, indeed, to formulate and implement a policy and programme which is of wider scope, in order to deal with the problem at the root. If we deal with that I think we would go some way towards alleviating this very serious problem.

I just wanted to put on the record that we do not believe what the Government says. We cannot trust what it says as it has no effect at all on alleviating problems, particularly in my constituency. *[Interruption]* The Government would never have any effect on me because I have known it for 14 years now. I have known successive PNM Governments in this House and the promises they have made for 14 years and they have no effect on me. Nor, will they have any effect on the wider community of Trinidad and Tobago whom they are trying to bamboozle.

We are saying that while we support this measure, it certainly is a very minor element of the whole problem that we face and we would like to see a more comprehensive approach to dealing with the family crisis of Trinidad and Tobago.

Thank you, Mr. Deputy Speaker.

5.45 p.m.

The Minister of Social Services (Sen. The Hon. Russell Huggins): Mr. Deputy Speaker, it is not my intention to go into the whole range of social issues that have been raised, principally because it was never suggested by me nor anyone else on this side that this Bill was intended to cure our social problems. I think that the Member for Barataria/San Juan dealt effectively with the programmes which are being run by the Ministry of Social Development to address some of these problems.

I am trying to sift out something to talk about from what the Member for Oropouche said. I want to make one point and just to let Members know—

because I get a number of letters from Members on the Opposition Benches—that the public assistance programme in the Ministry of Social Development is not an unemployment relief programme. It is a programme that is run by certain rules. It is not unemployment *per se* that qualifies one to get public assistance. The person has to satisfy certain conditions. As long as these conditions are satisfied, public assistance will be granted.

Mr. Sudama: Can the Minister tell me what are some of the conditions to be satisfied?

Sen. The Hon. R. Huggins: They are written into the law. I am not going into that at this time. In the case of children of unemployed single mothers, these children can benefit from several grants which the Ministry gives. I will name two as examples. They can get a school uniform grant and a book grant. It takes about a week to investigate the need and give these grants. I just wanted to make the point that it is not an unemployment relief programme.

I want to deal just briefly with the self-employment problem. I think we are missing what the parent legislation and the amending Bill is all about. The legislation before us is called the Attachment of Earnings (Maintenance) (Amdt.) Bill. It simply seeks to secure maintenance payments in a particular way. In other words, in order to make an attachment order there must be someone to whom that attachment order could be directed. If someone is self-employed, there is no one to whom one can direct an attachment order. It is not that there is a shortcoming in the legislation. An Attachment of Earnings Order must be directed to someone, and it is directed to the person who has control of an individual's income.

In the case of a maxi taxi driver who is self-employed, it is pointless trying to make an Attachment of Earnings Order. There are other ways. The spouse of a maxi taxi driver can get a maintenance order and there are other ways of enforcing a maintenance order both in the High Court and in the Magistrates' Court. It is incorrect to say that we are leaving a whole range of people out of it. I would admit that the area needs to be looked at. The Ministry of Social Development is, in fact, looking at it.

The attachment of earnings legislation is not the instrument to deal with these self-employed persons because there must be someone to whom you can direct an Attachment of Earnings Order. In this case, it is the employer of someone.

Mention was also made about the need for a family court. The Ministry of Social Development is looking at that. There was a Bill which was laid in this Parliament in 1988, and which was allowed to lapse. The Bill really did not

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achieve what, I think, those who were really looking at what a family court wanted. The Bill simply sought to give certain responsibilities to the Matrimonial Court. From my point of view, a family court must be a separate institution within the framework of the Supreme Court of Judicature with, of course, all the ancillary services within the same physical structure, if that is possible—the Child Welfare Services, the family services. The Ministry is working on that with a view to making a proposal to the Cabinet.

The Social Welfare Division of the Ministry of Social Development came in for some flak; it was being called upon to perform certain roles. It is a problem which I have with the operation of, not only the Social Welfare Division within the Ministry, but also with the probation services. I think the courts have sought to use these two departments in a way for which they were not designed. The courts of late, have been referring victims of domestic violence to the Probation Office.

The Probation Office does not have personnel qualified to counsel anybody on domestic violence but because the Probation Office is situated in the courts and it does some kind of welfare work, it is felt that that that is where they should be sent. We are looking to restructure both the Probation Office and the Social Welfare Division with a view to having those units do what they are really supposed to do. I do not agree that they should do investigations to find people's spouses. That is not their function.

The Member for Pointe-a-Pierre raised some issues about the administrative cost of implementation of these measures. I want us to understand that this Bill does not create anything that is not already in existence. There is already in existence a system of attachment of earnings. Without this Bill you can attach earnings. All this Bill is doing is making it simpler for the applicant to approach the court to get an order. The Bill is simplifying the procedures, removing certain roadblocks that are in the way that could prove to be rather costly to the applicant in seeking to have a maintenance order attached.

5.55 p.m.

This Bill is by no means creating anything which is not already provided for in the parent Act. We have looked at the Act; there are certain problems which arose and we are simply seeking to correct those problems, so that those who are the beneficiaries of maintenance orders can have a very simple way of going about getting those orders attached. As I said, without this Bill, they can do it; it is just a rather roundabout way of doing it under the parent Act.

All we are doing is cutting a road straight across the roundabout to achieve the same result. I do not anticipate that there would be any increased administrative costs in implementing the amendments.

Mention was made by the Member for Caroni Central about the absence of a population policy. I advise him that such a policy has already been prepared in draft; we have already received the comments of all government departments and NGOs and by the end of September, we would be going out on a regional basis for comments on the draft document before the final document is prepared and submitted to the Cabinet.

As I said, the Member for Barataria/San Juan had, in fact, dealt with all the main social issues. I am dealing with these specific ones to clear up certain misconceptions about this Bill. I would like to reiterate, however, that the Bill is simply to make it easier to have one's earnings attached; we are not really creating anything new.

Mr. Deputy Speaker, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 13 ordered to stand part of the Bill.

The Schedule ordered to stand part of the Bill.

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

House resumed.

Bill reported, without amendment; read the third time and passed.

ARRANGEMENT OF BUSINESS

The Minister of Industry and Trade and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Deputy Speaker, I beg to move that this House now consider Motion No. 1 on the Order Paper.

Question put and agreed to.

LAND ACQUISITION

The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Keith Rowley): Mr. Deputy Speaker, I beg to move,

That this House approve the decision of the President to acquire the lands described in the Appendix for the public purposes specified.

Sir, I seem to recall that the last time I sought to move such a Motion the information was quite voluminous and halfway through, it was the feeling of the House that I should not read all the explicit details and the parliamentary staff could copy it off the Order Paper. I wonder whether I can crave your indulgence and that of the House to proceed in a similar manner on this occasion.

Assent indicated.

Dr. The Hon. K. Rowley: I would simply refer to the fact that parcel No. 1 is required for improvement to road alignment and bridge construction in the Toco Main Road area, in the ward of Manzanilla. The details of that are stated on the Order Paper. I expect that these are procedures which are being completed now, having been initiated at an earlier time as recorded on the Order Paper.

I also seem to recall that a query was raised the last time we sought to acquire a parcel of land, as to whether, in fact, these acquisitions were being done under the old law or the new law. I reiterate that it is being done under the existing law and the process is being completed under the existing law, and that the new law which was passed in this House has not yet been assented to.

One expects that that would be done in the very near future, with respect to the budgeting process which will allow appropriate arrangements to be made, since the proposed law, which was passed in this House, on coming into being, has sections which require that substantial immediate payments be made but for which budgeting arrangements were not made in 1995. These arrangements are, more or less, cleaning up what is in the pipeline under the old arrangement.

The second parcel of land is in the county of St. Andrew, in the ward of Manzanilla. It is for the location of a T&TEC substation.

Parcel No. 3 on Morton Street, Tunapuna, in the ward of Tacarigua in the county of St. George, refers to a parcel of land required for the establishment of a public library.

Parcel No. 4 at Maracas Royal Road, St. Joseph in the ward of Tacarigua, in the county of St. George is required for the construction of a bridge on the Maracas Royal Road.

Parcel No. 5 refers to the acquisition of several small parcels of land in Tobago in the parish of St. Patrick. The purpose of these acquisitions is for the extension of the Crown Point runway.

6.05 p.m.

Parcel No. 6 is on the southern side of the Churchill-Roosevelt Highway in the ward of Arima, county of St. George. This acquisition is for improvement to the Churchill-Roosevelt Highway from Golden Grove to Arima.

Parcel No. 7 has to do with making land available for the extension of the Priority Bus Route in the area of Lopinot Road, Arouca in the ward of Tacarigua.

Parcel No. 8 in the ward of Pointe-a-Pierre in the county of Victoria. This parcel of land is being acquired for road improvement—the development of the Solomon Hochoy Highway.

Parcel No. 9, again in Tobago, in the parish of St. Andrew in the area of Plymouth for road improvement purposes.

Parcel No. 10, again several small parcels of land being acquired for the routing of the National Gas Pipeline.

Parcel No. 12 in the ward of Siparia in the county of St. Patrick is being acquired for the establishment of access to a recreation ground.

All these parcels of land are clearly being acquired for public purposes. All these lands have been entered upon after publication of the relevant sections. The existing law requires that the process be completed and approved by the Parliament, and that being the case, I beg to move that this honourable House support this Motion to acquire these parcels of lands for the public purposes specified.

Mr. Deputy Speaker: Did the Member mention parcel No. 11? I think he has skipped 11 on page 8.

Dr. The Hon. K. Rowley: Thank you very much, Sir. This has to do with Guaracara/Tabaquite Union Road. These parcels also have to do with the National Gas pipeline.

They are strips of land belonging to Caroni (1975) Ltd acquired for a routeway.

Question proposed.

Mr. Sahid Hosein (Siparia): Mr. Deputy Speaker, I shall be extremely brief. I just want to make one or two observations and get clarification on an issue.

The first question I want to ask is, which agency or agencies would pay for the acquisition of these lands? I ask that question because, as I understand it, most of these acquisitions will be paid for from the allocation to the Ministry of Planning and Development. I also understand that when the local government bodies want to acquire lands, especially for recreation grounds, they are required to pay from their minuscule development fund. If that is the case, I want to argue this afternoon that if, indeed, these acquisitions are paid for from a special fund that is put aside, then the same should apply for acquisitions made by local government bodies.

The other point I want to make—and it was alluded to by the Minister—has to do with the continued delay in making payments to people whose lands have been acquired.

In the past, we have been told there are several factors. One was the lack of timely surveys because of too few surveyors. I am moving a motion in this Parliament having to do with new persons who have applied to be registered as surveyors and in respect of whom, up to today, absolutely nothing has been done. We were told on that occasion that there were 25 applications pending. As far as I am aware—and maybe the Minister will tell us otherwise—absolutely nothing has been done in terms of regularizing that situation and I would have thought that if lack of surveyors was part of the problem, then this was an area that should be dealt with some measure of urgency.

We were told in the past, too, that part of the problem has to do with finding title, the owners of the particular pieces of land. I remember a document *A New Administration and Distribution Policy for Land* which was put out by the Ministry of Planning and Development on November 19, 1992. I think it is relevant to make the point at this time.

In that document we were told and promised that there was going to be reform in several areas, one of which had to do with the problem of finding title, also the matter of problem of surveying—in fact, this document also promised legislation to deal with a host of problems relating to land and usage of land—but may I just remind Members on the other side that up to this day no such legislation has been forthcoming.

With this brief intervention, I expect that some of my concerns would be addressed.

Mr. Chandresh Sharma (*Fyzabad*): Mr. Deputy Speaker, I shall be extremely brief, and it has to do with the lands described as No. 12 and situate at

St. John's Trace. There is no roadway to these lands and as a result, right now persons accessing the playground have to pass through private property.

Can the Minister advise whether the lands will be acquired to establish a roadway and what arrangements are in place?

The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Keith Rowley): Mr. Deputy Speaker, with respect to the first point raised by the Member for Siparia, the lands are acquired in two ways in terms of payment. There is an allocation in the budget of the Director of Surveys, the Lands and Surveys Division which used to be in the Ministry of Planning and Development but which now is in the Ministry of Agriculture, Land and Marine Resources.

6.15 p.m.

There is also another aspect of the policy where agencies seeking to do development works must take into account the land on which the project would be developed; that is to be factored into the cost of the project.

Under that policy, if someone wants to build a health centre or establish a playing field, or something like that, and land has to be acquired, then the agency requesting that factors it into the budget, because the land on which the facility is to be built has some value. But there is a budget in the Director of Surveys' annual provision for treating with acquisitions, and payments are made out of this as the matters are identified and completed.

With respect to delays in payments, there are a number of reasons for this, one of which sometimes might simply be an exhaustion of the vote against which these payments are being made during the year. Very commonly, my investigations has shown, it has to do with identifying the person who is to receive the compensation. Because in many cases there are situations of estates not being administrated, or heirs inheriting their parents' land, and so on, and usually there is one person making a representation to receive these compensations. So the Director of Surveys has to be very careful as to how these things are completed.

With respect to delays caused by the system itself, I must admit that the system of land administration, on record is in a way quite antiquated. It is very manual and has all kinds of problems in a situation where one has to establish absolute accuracy insofar as that is possible. Insofar as we are taking steps now to modernize and to upgrade the system to allow easier access to accurate data, it will take quite some time to put those systems in place and to have them operate in such a way as to eliminate the kinds of problems that now exist in the system.

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[MR. SHARMA]

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It is a very voluminous system and requires a lot of human input, which is very tedious. Even though we committed ourselves to this programme in 1992 and a number of things are happening with respect to putting the system under modern arrangements to allow easy access using computerization and so on, it will still be quite some time before the complete changeover would have been effected to eliminate these delays.

With respect to the absence of surveyors being a problem, yes, we do have some of that still. It all depends on the workload. There are still a few vacancies in the public system, but I must let this House know that the surveyors have to be licensed before they can practise. There is a procedure and a process by which a graduate can be licensed. There is a board which does that work. Based on the representations made here recently, I have examined the situation.

We did identify some problems with respect to making it clearer as to what is to happen with respect to moving those university graduates to licensed surveyors—those who require to be licensed, because not all surveyors have to be licensed. It is only those who are doing cadastral-type work.

Insofar as those persons are available to be licensed, there is a process that is under way. People have to go through a certain system. There is a complaint that the system is biased against new entrants. That is being examined to see whether there is merit in the complaint. As I said the last time, that complaint has been made by persons who have been asked to walk the course towards registration and I can only tell this House that the process is at work and people are coming out of the system, maybe not as fast as they would like, but the system is what exists now.

Insofar as changes are to be expected, we have just completed a new Land Surveyors Bill which is now before the Cabinet and in the very near future should be coming to the Parliament where more detailed and transparent arrangements will be in place, and that new Land Surveyors Bill would assist in removing some of these impediments.

So it is not fair to say that nothing has happened since we spoke last about this matter. Maybe nothing visible has happened, but work is proceeding and we are expecting to improve the situation in short order. In the meantime, we have to complete the procedures that we have put before the House for lands which are already entered upon by the state. In that context, I seek the support of this House.

I beg to move.

Question put and agreed to.

Description of Land	Public purposes for which to be acquired
<p style="text-align: center;"><u>THE SCHEDULE</u></p> <p>A parcel of land comprising 0.1090 hectares, more or less, situate at Valencia Road, Valencia in the ward of Manzanilla in the county of St. Andrew which was leased by the state to Ms. Camilla Charles for agricultural purposes.</p> <p>This parcel is more particularly shown coloured raw sienna on a survey plan filed in book 1214, folio 13 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p> <p>3. The following parcel of land containing 1141.2m², more or less, situate at Morton Street, Tunapuna, in the ward of Tacarigua, in the county of St. George, described in the Schedule hereto and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated October 27, 1994, executed under Survey Order No. 141/90 and filed in his office.</p> <p style="text-align: center;"><u>THE SCHEDULE</u></p> <p>A parcel of land comprising 1141.2m² situate on the western side of Morton Street, Tunapuna, in the ward of Tacarigua, in the county of St. George said to belong now or formerly to Jessie E. Crompton.</p> <p>This parcel is more particularly shown coloured raw sienna on a survey plan filed in book 1140, folio. 173 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p> <p>4. The following parcel of land containing 0.0257 hectares, more or less, situate at Maracas Royal Road, St. Joseph in the ward of Tacarigua in the</p>	<p>A Public Library</p> <p>Construction of bridge 3/1-Maracas Royal Road</p>

Description of Land	Public purposes for which to be acquired
<p>county of St. George, described in the Schedule hereto and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated June 8, 1994, executed under Survey Order No. 129/90 and filed in his office.</p> <p style="text-align: center;"><u>THE SCHEDULE</u></p> <p>A parcel of land comprising approximately 0.0257 hectares situate on the western side of the Maracas Royal Road in the ward of Tacarigua in the county of St. George said to belong now or formerly to Trevor Hewitt.</p> <p>This parcel is more particularly shown coloured raw sienna on a survey plan filed as GA 98 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p> <p>5. The following parcels of land containing 9.1774 hectares, more or less, situate on the northern side of Crown Point runway in the ward of Tobago in the parish of St. Patrick, described in the Schedule hereto and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated May 16, 1994, executed under Survey Order No. 93/88 and filed in his office.</p> <p style="text-align: center;"><u>THE SCHEDULE</u></p> <p>Twenty-six (26) parcels of land together comprising 9.1774 hectares situate on the northern side of Crown Point runway between Gaskin Bay Road on the east and lands of L. Stewart on the West; on the north partly by Crompstin Trace and lands of E. Young and D. Pantin, in the parish of St. Patrick in the ward of Tobago and consisting of:</p>	<p>Crown Point Airport runway expansion</p>

Description of Land	Public purposes for which to be acquired
<ol style="list-style-type: none"> 1. 2011.9m² said to belong now or formerly to Percy; 2. 1626.8m² said to belong now or formerly to J. and R. Crooks; 3. 7514.3m² said to belong now or formerly to James Percy; 4. 1597.8m² said to belong now or formerly to Gaston; 5. 2039.4m² said to belong now or formerly to F. Walcott; 6. 6231.4m² said to belong now or formerly to E. Joseph; 7. 5031.9m² said to belong now formerly to P. George; 8. 6134.1m² said to belong now or formerly to J.N. Scipio; 9. 945.3m² said to belong now or formerly to L. Stewart; 10. 3801m² said to belong now or formerly to Quacco; 11. 169.9m² located on the west of lands of N. Percy; 12. 464.5m² said to belong now or formerly to N. Percy; 13. 6445.7m² said to belong now or formerly to A. Henry; 14. 4053.7m² said to belong now or formerly to D. Chapman; 	

Description of Land	Public purposes for which to be acquired
<p>15. 1184.9² said to belong now or formerly to heirs of Cornelius;</p> <p>16. 1376.6m² said to belong now or formerly to heirs of Cornelius;</p> <p>17. 1485.7m² said to belong now or formerly to heirs of Cornelius;</p> <p>18. 1590.6m² said to belong now or formerly to heirs of Cornelius;</p> <p>19. 6186.2m² said to belong now or formerly to Samuel Cornelius;</p> <p>20. 8404.7m² said to belong now or formerly to P. Wills;</p> <p>21. 5807.7² said to belong now or formerly to M. Samuel and Blake;</p> <p>22. 4463.8m² said to belong now or formerly to D. Melville;</p> <p>23. 983.3m² said to belong now or formerly to E. Joseph;</p> <p>24. 2581.5m² said to belong now or formerly to E. Young;</p> <p>25. 9114.3m² said to belong now or formerly to E. Andrews;</p> <p>26. 3984.2m² said to belong now or formerly to P. Chapman.</p> <p>These parcels are more particularly shown coloured raw sienna on a survey plan filed as AN 153 in the vault of the Lands and Surveys Department, Red House.</p>	

Description of Land	Public purposes for which to be acquired
<p style="text-align: center;"><u>THE SCHEDULE</u></p> <p>A parcel of land comprising 484.7m², situate at the south-east corner of the Priority Bus Route and Lopinot Road, Arouca in the ward of Tacarigua, in the county of St. George East, and said to belong now or formerly to Alpha Harris.</p> <p>This parcel is more particularly shown coloured raw sienna on a survey plan filed as GA 82 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p> <p>8. The following parcel of land containing 527.8m², more or less, situate at Gasparillo, in the ward of Pointe-a-Pierre in the county of Victoria, described in the Schedule hereto and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated July 3, 1992, executed under Survey Order No. 82/90 and filed in his office.</p> <p style="text-align: center;"><u>THE SCHEDULE</u></p> <p>A parcel of land comprising 527.8m², more or less, situate at Mahogany Trace, Gasparillo, east of the Sir Solomon Hochoy Highway in the ward of Pointe-a-Pierre in the county of Victoria and said to belong now or formerly to Ivy Adams.</p> <p>These parcels are more particularly shown coloured raw sienna on a survey plan filed in book 1140 folio 116 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	<p>Road Development – Sir Solomon Hochoy Highway</p>

Description of Land	Public purposes for which to be acquired
<p>9. The following parcels of land containing 2708.2m², more or less, situate at Plymouth Road in the ward of Tobago in the parish of St. Andrew, described in the Schedule hereto and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated December 23, 1994, executed under Survey Order No. 93/92 and filed in his office.</p> <p style="text-align: center;"><u>THE SCHEDULE</u></p> <p>Two (2) parcels of land comprising together 2708.2m², situate at Plymouth Road, Scarborough, north of the Claude Noel Highway in the parish of St. Andrew in the ward of Tobago and consisting as follows: (1) 903.4 m² said to belong now or formerly to Loveland O'Brien and (2) 1804.8 m² said to belong now or formerly to Violet Seymonson.</p> <p>These parcels are more particularly shown coloured raw sienna on a survey plan filed in book 1140 folio 175 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	Road Improvement
<p>10. The following parcels of land containing together 8.5186 hectares, more or less, situate between Phoenix Park and Baboolal Road in the wards of Couva and Pointe-a-Pierre in the counties of Caroni and Victoria, described in the Schedule hereto and coloured raw sienna on plans of survey signed by the Director of Surveys and dated September 26, 1986, executed under Survey Order No. 32/83 and filed in his office.</p>	Natural gas pipeline

Description of Land	Public purposes for which to be acquired
<p style="text-align: center;"><u>THE SCHEDULE</u></p> <p>Several parcels of land comprising together 8.5186 hectares and situate between Phoenix Park on the west and Baboolal Road, Pointe-a-Pierre on the east, in the wards of Couva and Pointe-a-Pierre on the east, in the wards of Couva and Pointe-a-Pierre in the counties of Caroni and Victoria and consisting of;</p> <ol style="list-style-type: none"> 1. 2.349 ha said to belong now or formerly to Caroni (1975) Limited; 2. 0.2046 ha said to belong now or formerly to Caroni (1975) Limited; 3. 0.0182 ha said to belong now or formerly to Kalloo; 4. 0.0162 ha said to belong now or formerly to Forres Park Estate; 5. 0.0157 ha said to belong now or formerly to Ballee; 6. 0.0121 ha said to belong now or formerly to Maharaj; 7. 0.0129 ha said to belong now or formerly to Ballee; 8. 0.0136 ha said to belong now or formerly to Nanoo 9. 0.1343 ha said to belong now or formerly to Forres Park Estate; 10. 0.1370 ha said to belong now or formerly to P. Bousset; 	

Description of Land	Public purposes for which to be acquired
11. 0.1594 ha said to belong now or formerly to C. Christopher;	
12. 0.0525 ha said to belong now or formerly to C. Hacklin;	
13. 0.0711 ha said to belong now or formerly to N. Cabo;	
14. 3.8969 ha said to belong now or formerly to Forres Park Estate;	
15. 0.3573 ha said to belong now or formerly to Rattan;	
16. 0.0538 ha said to belong now or formerly to Trinidad Cement Limited;	
17. 0.0186 ha said to belong now or formerly to Ramkissoon Dowlet;	
18. 0.2232 ha said to belong now or formerly to Bhagwansingh	
19. 0.0716 ha said to belong now or formerly to Dhowtal;	
20. 0.2526 ha said to belong now or formerly to Ramsaroop;	
21. 0.03398 ha said to belong now or formerly to Singh;	
22. 0.1078 ha said to belong now or formerly to Singh.	
<p>These parcels are more particularly shown coloured raw sienna on survey plans filed as Nos. A.N. 79, A.N. 79A, A.N. 79B, A.N. 79C in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	

Description of Land	Public purposes for which to be acquired
<p>11. The following parcels of land containing together 7.2698 hectares, more or less, situate between Guaracara-Tabaquite Union Road and Golconda in the wards of Pointe-a-Pierre and Naparima in the County of Victoria, described in the Schedule hereto and coloured raw sienna on four plans of survey signed by the Director of Surveys and dated September 16, 1986, executed under Survey Order No. 91/81 and filed in his office.</p> <p style="text-align: center;"><u>THE SCHEDULE</u></p> <p>Several parcels of land comprising together 7.2698 hectares and situate between Guaracara-Tabaquite Union Road and Golconda, in the wards of Pointe-a-Pierre and Naparima in the county of Victoria and consisting of:</p> <ol style="list-style-type: none"> 1. 0.0573 ha said to belong now or formerly to Caroni (1975) Limited; 2. 0.2138 ha said to belong now or formerly to Caroni (1975) Limited; 3. 0.2366 ha said to belong now or formerly to Caroni (1975) Limited; 4. 0.9519 ha said to belong now or formerly to Caroni (1975) Limited; 5. 5.8102 ha said to belong now or formerly to Caroni (1975) Limited; <p>These parcels are more particularly shown coloured raw sienna on the survey plans filed as Nos. A.N. 73B, A.N. 73C, A.N. 73D and A.N. 73E in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	<p>Natural gas pipeline</p>

Description of Land	Public purposes for which to be acquired
<p>12. The following parcels of land containing together 1.8566 hectares, more or less, situate at St. John's Trace, Avocat in the ward of Siparia in the county of St. Patrick, described in the Schedule hereto and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated July 21, 1988, executed under Survey Order No. 17/87 and filed in his office.</p> <p style="text-align: center;"><u>THE SCHEDULE</u></p> <p>Three parcels of land comprising together 1.8566 hectares situated about 440 metres on the southern side of St. John's Trace which comes off the Siparia Road at Avocat in the ward of Siparia, in the county of St. Patrick and described as follows:</p> <ol style="list-style-type: none"> 1. 0.02446 hectares, more or less, and said to belong now or formerly to Beepath Hassai; 2. 1.0121 hectares, more or less, and said to belong now or formerly to Bopart; 3. 0.8199 hectares, more or less, and said to belong now or formerly to Bopart and others. <p>These parcels are more particularly shown coloured raw sienna on a survey plan filed as R.H. 168 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	<p>A recreation ground and access thereto</p>

ARRANGEMENT OF BUSINESS

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Deputy Speaker, I beg to move that the House now consider Bill No. 2 on the Order Paper.

Assent indicated.

IMMIGRATION (AMDT.) BILL

Order for second reading read.

The Minister of National Security (Hon. John Eckstein): Mr. Deputy Speaker, I beg to move,

That a Bill to amend the Immigration Act, Chap. 18:01, be now read a second time.

Section 40 of the Immigration Act, Chap. 18:01 lists a series of offences punishable by a fine and a term of imprisonment. This Bill seeks to clarify the meaning of one of the offences listed. The language is rather convoluted and made interpretation very difficult. It is stated quite clearly here in the Bill.

The second aim of this Bill is to introduce a new offence, which is clause (j). So you now have offences (a) through (j). A new offence has been included, that is (j). It is an attempt to capture traders in passports—people who deal in passports. If, for instance, a traveller was caught with 20 passports on him and he had them made illegally, that would not have been an offence. This new offence would deal with such an individual and a relevant fine and jail sentence would be applicable.

That is the full extent of the legislation here and I ask Members to support the Bill.

I beg to move.

Question proposed.

Mr. Trevor Sudama (Oropouche): Mr. Deputy Speaker, the Minister was rather brief in introducing this Bill. The whole question is: What is the larger purpose of the Bill? We will come to that.

To come here and merely talk about amending one section of the immigration laws of Trinidad and Tobago is to assume that the immigration laws of this country are functioning properly; that you do have, in fact, an immigration policy, one—that that immigration policy is serving the purposes of security in Trinidad and Tobago, the economic development and all the purposes for which your immigration laws have been established.

6.25 p.m.

First of all, we question whether Trinidad and Tobago has an immigration policy, and whether this tightening of the law with respect to the issue of

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passports has to do with the development of the immigration policy of Trinidad and Tobago, or the issue of illegal immigration in this country which is a serious issue—however the Government may wish to deny it—or with the functioning of the Immigration Department.

The Government merely comes to this House and says it is seeking to amend a section to create a new offence with respect to the possession of a passport which is obtained by fraud—that is, a person coming into or attempting to leave Trinidad and Tobago by means of a Trinidad and Tobago passport that has been fraudulently issued—and that is the end of the matter. That cannot be the end of the matter with respect to the question of the fraudulent issue of passports in Trinidad and Tobago. This cannot deal with the larger problem with which we are faced concerning the fraudulent issue and possession of passports in this country.

When one looks at Chap. 18:01, section 40, which is being amended—*[Interruption]* Yes, I think we should send this matter to a committee—one sees that the critical issue is that there are several offences under this section. I now draw the attention of the House to certain laxities. Let us look at the first one—

"Any person who—

(a) comes into Trinidad and Tobago at any place other than a port of entry and fails to report to an immigration officer for examination;"

I would now tell a story about a flight I took from Tobago to Trinidad. I boarded the flight in Tobago, which I think came from Miami. Nobody was permitted to get off the plane in Tobago. The plane landed in Trinidad and went to the Tobago terminal. When a flight goes to the Tobago terminal everyone is free to walk off that plane and go into the Tobago terminal simply because it is deemed to be a flight within the country.

According to this law, that would be an offence, because many of those passengers were foreigners and would not have reported to an immigration officer. They had the option to walk through the Tobago terminal where there was no immigration officer and go on their own into the country. That is my personal experience. I want to know whether the Immigration Department has the machinery to deal with and enforce all these provisions which are listed.

There is another problem. When one picks up a newspaper one sees, from time to time, that many people are charged with possession of false or improperly issued passports. The question for the Government to answer is: How were these passports issued? Not only must we be interested in charging the people in

possession, somebody must have prepared those passports and handed them to these people. Have we tried to trace the perpetrators who tamper with and issue fraudulent passports? All I see in the newspapers is that the holders of these fraudulent passports are being charged.

What we have had—and this goes to show the inadequacy of the mechanism, framework and resources available—is a programme by the Government to introduce a new tamper-proof passport—as they would like to call it—and people were hurried into a deadline, June 30. June 30 came and went, but, obviously, this could not be done. The resources were simply not there. So what happened? The Government shifted the deadline. I am arguing that that deadline again has to be shifted.

When these new passports are issued, would there continue to be the problem of tampered fraudulent passports? If these problems will continue, then what really is the use of these new passports, except to bring revenue into the Government's coffers and not address the problem.

We have really had no statement about that. All we have had is a blanket statement that people have to change their passports as there is going to be a new system. What is this really going to do? Will it reduce the incidence of the fraudulent use and possession of passports? As I said, if it would not really serve that purpose, all the Government is doing is rushing people into bringing in revenue for the Government which, of course, it uses in any way it wishes.

The whole issue of the illegal drug trade and the people who could afford to bribe their way, or pay the huge sums that may be demanded, for the purpose of getting passports which they could use freely is another issue that must be confronted, because citizens and non-citizens come into and leave this country with impunity; particularly, those involved in the drug trade.

6.35 p.m.

The problems in the Immigration Department—and let me quote from a report in the *Newsday* of Tuesday, November 1, 1994:

"Passport racketeers have stepped up the illegal trade in passports as the June 1995 deadline approaches when the old Trinidad and Tobago passports will no longer be valid, according to a statement from the Ministry of National Security."

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This is a statement from the very ministry and the very Minister, who is presenting to this House this amendment which seeks, as he says, to tighten up the Act and the penalties available.

"Describing it as 'a million dollar racket' since a forged TT passport could cost \$12,000.00, the Ministry revealed that while it has already issued 130,000 official new passports, making the Treasury \$12 million richer in the race to June 1995, the charlatans and con men are also 'walking away with heavier pockets' as they race to get all these people to the USA before the deadline."

We are told from a ministry statement that:

"...the old passport offered no security features and data could be easily changed, pictures switched and completely new documents manufactured, especially as some got hold of genuine passport paper from manufacturing the old TT passport."

There is that statement condemning the old passport. What has not been said is what the new passport will do. How will the new passport deal with some of these very problems that have been identified with the old passport? We are not told. The number of charges being laid is increasing.

"...the Ministry explained that of 113 charges laid against persons attempting to leave the country on fraudulent passports—twice as many as last year—100 convictions were secured and some \$207,600.00 collected in fines. Of these 70 persons were from TT and 40 from neighbouring Caricom countries."

What is not clear from this is how many people who have been caught have been involved in the drug trade and what really is the connection. How is the Government going a bit further in terms of dealing with the issue and the possession of passports and linking that to the question of the illegal drug trade? Millions of dollars are involved in this racket. Is there a properly functioning Immigration Department? Are there immigration officers who are really doing their jobs? Are there any irregularities in the Immigration Department that are leading to and encouraging such large-scale issue of fraudulence in the possession and issue of passports?

This Government ought to have set up a commission of enquiry into what we consider, and what has been reported in the newspaper, as a scam. I want to quote from the *Mirror*—and Members opposite will argue that we should not accept reports in the newspapers and so on. My argument, is where there is smoke there will always be fire. Even if one may say that all these statements are inaccurate, something is greatly amiss with the operations of the Immigration Department.

This has to do with the operations of a former Chief Immigration Officer. I shall quote from the *Mirror* of Friday, December 4, 1992, almost three years ago and the Government has not seen it fit to institute an enquiry into this.

Mr. Valley: Every time the *Mirror* reports do we have to institute an enquiry?

Mr. T. Sudama: You do not have to institute any inquiry. The Prime Minister sells his car to a drug dealer, no enquiry into that. Why should you want to have an enquiry into that? There is the situation with Trinmar and the disaster at Trintomar. We asked for an enquiry. No enquiry. When have you instituted an inquiry? In other words, you are saying nothing in Trinidad and Tobago qualifies for the institution of a commission of enquiry.

Mr. Valley: Mr. Deputy Speaker, if the Member feels strongly on an issue he knows the correct procedure. He can come with a Motion to the House and ask that the Government institute an enquiry.

Mr. T. Sudama: We have done that.

Mr. Valley: The House aired the matter and the Motion was defeated. With respect to this matter that the Member is speaking about, I cannot recall the Member coming to the House requesting that this matter be brought before a commission of enquiry.

Mr. T. Sudama: Let us face the reality. We will bring a thousand Motions to this House, they will use their parliamentary majority and defeat every Motion. What is the point in bringing Motions to this House if they are going to be defeated in similar fashion? The political system needs reforming. It is not functioning. If there is a system where, as of right, once a matter is raised it is sent to a subcommittee of the Parliament for hearing, there would not be this problem where the Executive sits and suppresses its misdoings.

Mr. Valley: Mr. Deputy Speaker, if the hon. Member follows that line of argument, then he would not waste his time and continue with the current debate and allow us to go home. The Member is aware that he speaks in the Parliament so that he airs matters. The fact that he is defeated—as he ought to be on every occasion—is not withstanding; otherwise he would stop immediately.

Mr. T. Sudama: Mr. Deputy Speaker, the Member wants to go home again. Do you remember he was sent home for six months? I raise this because you may change any number of laws, you may bring all kinds of amendments to the laws, if your Immigration Department is not satisfactorily monitored, and there is no

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overview of immigration practices there, then you are going to have fraud after fraud being perpetrated.

The allegations here are about the Chief Immigration Officer of this country. His name was linked to a multimillion dollar scam involving Chinese nationals of Hong Kong who arrived in Trinidad and Tobago from May 28, 1991 to May 22, 1992. On the latter date, a new Chief Immigration Officer called a halt to the affair. That is insufficient! An enquiry should have been made as to how this practice was perpetrated for such a long time.

This immigration officer, we are told, although he had retired he continued paying regular visits to the Immigration Department on the pretext that he was handing over documents to his successor.

"Immigration sources told TnT *Mirror* that the scam also extended to Taiwan nationals.

That scandal exploded when a Taiwanese man landed at Piarco International Airport and could not speak a word of English but held a T&T Certificate of Identity."

6.45 p.m.

These Trinidad and Tobago certificates of identity which were issued by the Immigration Department were, in fact, purchased by these people in Hong Kong and then they used Trinidad and Tobago as a jumping off point to get to the United States of America, a scam which involved millions of dollars. We understand that the man who was so caught, later told immigration authorities that he paid a certain officer US \$10,000 for the issue of one certificate, through his position as the controlling officer of the Immigration Department.

Do you understand the point I am trying to make with respect to the misuse and the proper functioning of the Immigration Department, if they are going to implement any of these laws and the whole question of the issue of fraudulent passports?

"Immigration sources said the scam also involved a former immigration official operating out of New York where the necessary documents would be handed over to the Taiwan or Hong Kong national."

Mr. Valley: Mr. Deputy Speaker, I wonder whether the hon. Member would tell the House how this Taiwanese national, who could not speak a word of English, communicated that he paid this US \$10,000 to the Immigration authorities?

Mr. T. Sudama: Mr. Deputy Speaker, presumably, there were interpreters at the Immigration Department. *[Interruption]* I could only assume that, and it is more the need to institute a commission of enquiry to find out how this non-English speaking Taiwanese was able to present this document as a certificate of identity for Trinidad and Tobago.

The amendment has to be implemented by the Immigration Department. Do we have the confidence that the department has the manpower, the resources, has the people of the right quality; has dedicated officials, to implement the amendment properly and in the interest of Trinidad and Tobago?

Toying with the immigration laws of Trinidad and Tobago can be done for a number of purposes. I have a report from the *Newsday* dated Sunday June 18, 1995, page 10, which gives reasons for the manipulation of immigration policies to satisfy the political interest of the ruling regime. There is a person here who is the Director of Canadian Immigration Section of a certain organization in North York, Canada. *[Interruption]* No, you must hear the impression foreigners have of this country's public officials. *[Interruption]* Canada. He said:

"It is becoming increasingly clear to the public and population at large, that the continuous highlighting of allegations by the media of corrupt activities by public officials, and politicians, along with those in the private sector, definitely cannot lead to a reformation of the public service, but rather a defamation of it.

With specific reference to allegedly improper use of granting residences to foreign nationals, I have time and time again, advocated to the Government of Trinidad and Tobago the need for a clearly defined and articulated immigration policy,..."

Within that framework one can talk about the issue of passports as well as all the other documentation that needs to be put in place, but there must be a clearly defined and articulated immigration policy and we want to support that in the interest of the country. The article goes on to state:

"...it is important to note that the influx of Chinese immigrants may be seen as a political device to foster the economic development and create a climate of confidence for the Government as it prepares for the 1996 general elections."

The influx of Chinese immigrants is not going to have any lasting beneficial effect. It is merely designed for a certain time period, after which the Chinese will

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seek to relocate elsewhere, but it is the use of immigration policy for purposes of pursuing political gains and interest. It goes on:

"There is a dire need for a revitalization of the immigration apparatus, also for a defined immigration policy, objectives and programmes."

We have mentioned this fact here and it is confirmed in this report.

"In other countries, all alleged acts of corruption by public officials and politicians would either end in resignation or immediate suspension."

Who has resigned in Trinidad and Tobago, or who has been suspended, regardless of the alleged acts of impropriety and corruption with which they have been tarnished? Nobody. We have evidence here that we have problems in the Immigration Department, some evidence that there has been a level of corruption involved there, some evidence that people have been allowed into Trinidad and Tobago for personal gain and to promote the personal fortunes of certain officials, and yet this Government has failed to institute a commission of enquiry into this issue.

It does not really stop there, Mr. Deputy Speaker. I read in the *Trinidad Guardian* dated September 20, 1995, a report which appeared, again, on television in Canada. It says:

"The Toronto police... want to open communications with the police who they hoped have not been 'polluted by payoffs and threats and things of that nature.' It said corruption inside the Police Service and among Government officials was becoming a national disgrace in Trinidad and Tobago."

We have all these reports and the Government sits and denies that there is anything wrong or amiss that needs to be investigated. This is what the foreigners are thinking about us. These are the people they want to impress on the outside to bring investment into Trinidad and Tobago.

When we have the allegations, for example, of which the Member for Couva North spoke, with respect to Scotland Yard, nothing is done; there is no corrective action being taken. Then the conclusion one would have to come to, with respect to the Immigration Department and other Government agencies, is that the Government is condoning corruption. The Government now comes here with this amendment and says that it is adding a new offence to the law and trying to tighten immigration policies.

6.55 p.m.

That has to be looked at in the wider context in which this immigration policy is being pursued. Whether the Immigration Department is functioning and carrying out effectively the laws of Trinidad and Tobago; whether we do have any immigration policy which addresses the problem of securing Trinidad and Tobago from illegal entry—whether by ordinary citizens or by those involved in the illegal drug trade—and whether, in fact, persons are not using the immigration laws and regulations to subvert the sovereignty and integrity of this country.

That is our concern on this side, and if we have to voice these concerns, it can only be done on an occasion like this. We do not have the option here of debating Government's immigration policy. If a committee of this Parliament was established to look at the operation of the Ministry of National Security, we would have been able through that committee, to go into the details of the operation of that ministry.

We would have been able to question its policy and the procedures by which it operates and expose the irregularities in that department. We do not have such functioning mechanism in this Parliament, so what we have to do on this side is to seek the opportunity to raise these vital issues and get certain responses from the Government with respect to the wider concerns which agitate us on this side.

I want to end by saying that I am a bit put off by the attitude of the Member for Diego Martin Central, and that attitude is that when this House convenes, it must adjourn five minutes later. All we are required to do here is to have the Government lay pieces of legislation, we call a vote, "the ayes have it" and we all go home. The Member for Diego Martin Central who is so fond of home will get home very early and we would be all happy; that seems to be his concept of the function of this Parliament.

Mr. Valley: Mr. Deputy Speaker, the Member would never understand; he has no kids. I have three lovely kids at home.

Mr. T. Sudama: But you went to the courts to ask to come back—you have three lovely kids at home. You could have spent six months, day and night, with your three lovely kids, but you went to court to get an order to return here.

They do not understand what they are doing by undermining the integrity of the Parliament. What they are doing is giving a signal to the public that one must look to other means to solve one's problems, one must look to other areas to air one's grievances. They do not understand that, and the quicker they are made to

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understand it, the better it would be for Trinidad and Tobago. The issue really, is the need for parliamentary reform. If we had that I would not have had to go into the details of questioning Government's immigration policy. *[Interruption]*

No. We should amend the Standing Orders to abolish Parliament, that is what you would like. Let us abolish this Parliament, let us make the Member for Diego Martin happy so that all he will do is make his decision elsewhere, have time to go home and relax. This business of Parliament is really of little concern to them. It is already used as a rubber stamp; this Parliament has no authority, it is emasculated over time. When one comes here to speak in the Parliament, they want to curtail one's speech, they want to deprive one of one's fundamental right under the Constitution of Trinidad and Tobago. This is the highest authority in the land in which one can speak and they want to deny one that right.

As I said, they have no immigration policy. If they had one, they would have been able to—they are unable to stem the irregularities and fraudulence emanating from the Department of Immigration in Trinidad and Tobago and they come here with this Bill saying they are doing this great job of enhancing the immigration mechanism. They are really doing no such thing; all they are doing is coming here to use this Parliament as a rubber stamp.

The Minister of National Security (Hon. John Eckstein): Mr. Deputy Speaker, this Bill contains two specific clauses and it is in the context of the relevance of the Member for Oropouche's remarks to the two clauses in the Bill that I propose to deal with his contribution.

Mr. Deputy Speaker, I beg to move. *[Laughter]*

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

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

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

House resumed.

Bill reported, without amendment; read the third time and passed.

Adjournment

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ADJOURNMENT

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Deputy Speaker, I beg to move that this House be adjourned to Friday, September 22, 1995 at 1.30 p.m.

I wish to inform the House that on Friday, the Government intends to take the report of the joint select committee which was appointed to consider and report on the Securities Industry Bill and the Companies Bill.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 7.05 p.m.