

THE
PARLIAMENTARY DEBATES

OFFICIAL REPORT

IN THE THIRD SESSION OF THE FIFTH PARLIAMENT OF THE REPUBLIC OF TRINIDAD
AND TOBAGO WHICH OPENED ON NOVEMBER 27, 1995

SESSION 1995—1996

VOLUME 3

HOUSE OF REPRESENTATIVES

Friday, May 10, 1996.

The House met at 1.32 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I have received communication from the Member for Arouca South (Mrs. Camille Robinson-Regis) to the effect that she is ill and wants to be excused from attendance at today's sitting. This leave is granted.

**ELECTIONS AND BOUNDARIES COMMISSION REPORT
(Review of Constituency Boundaries)**

Mr. Speaker: I also wish to advise hon. Members that I have, in fact, received from the Chairman of the Elections and Boundaries Commission yesterday the 1996 Report of the Elections and Boundaries Commission on the Review of Constituency Boundaries pursuant to section 72 of the Constitution of the Republic of Trinidad and Tobago. Under that relevant section of the Constitution, this Report ought to be presented to this honourable House, and I now so do.

I may mention that copies of it are forthcoming from the Elections and Boundaries Commission, and these would be made available to Members.

PAPER LAID

1. Loan Agreement (Basic Education Project) Loan Contract No. 3956-TR between the Republic of Trinidad and Tobago and International Bank for Reconstruction and Development dated March 07, 1996. [*The Attorney General (Hon. Ramesh Lawrence Maharaj)*]

MOTOR VEHICLES INSURANCE (THIRD-PARTY RISKS) (AMDT.) BILL

A Bill to amend the Motor Vehicles Insurance (Third-Party Risks) Act, Chap. 48:51, [*The Attorney General*]; read the first time.

ARRANGEMENT OF BUSINESS

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, it is proposed that Motions Nos. 1 and 2 under “Government Business” be deferred to a later stage in the proceedings and that the House proceed to Private Business—Bills Second Reading and to Motions Nos. 3 and 4 on the Supplemental Order Paper, which are to be followed by Bills Second Reading.

Mr. Valley: Mr. Speaker, I had a conversation before the start of the session. I thought we had agreed to do the Equal Opportunity Motion before Bills Second Reading. I thought we had just agreed to that. [*Interruption*] I am sorry I misunderstood what you said, Mr. Leader of the House.

Hon. R. L. Maharaj: Mr. Speaker, I thought that was what was represented to me and I indicated that we would do the Motions after the Bill, because we had agreed to the order on the last occasion; the Bills and then the—

Mr. Valley: I am sorry to have to do this in open Parliament, but if the Member could remember, I mentioned that the Member for San Fernando East would be a mere fifteen minutes on the Equal Opportunity Motion and I suggested we do that first, and you asked me how many speakers I had on the Coroners Bill. Do you remember?

Hon. R. L. Maharaj: It may be that we may have to get a tape recorder, because it seems that I remember clearly that I indicated that we cannot do that. [*Interruption*]

Mr. Speaker: Hon. Members, I would like to say on this that I have given latitude that issues are raised before I put things. But I wish to suggest that, in future, where the Leaders on both sides actually come to an agreement with respect to anything, if this could be indicated to the Speaker, it would help. It would help if I am put into the picture, and therefore we could act accordingly.

Agreed to.

ASSOCIATION OF INDEPENDENT MINISTERS (INC’N) BILL

Dr. Rupert Griffith (Arima): Mr. Speaker, I beg to move,

That a Bill for the incorporation of the Association of Independent Ministers and for matters incidental thereto, be now read a second time.

Mr. Speaker, this Bill originated in the other place and was considered before a select committee in that place. The committee found that this association was

inaugurated in January, 1993 and that since that time the Association had been holding regular meetings and carrying out its aims and objectives as contained in this Bill.

The committee also examined the association's financial statements, which were audited by an external auditor and found those to be well in order. In its report to the other place the said select committee held that the facts and allegations set forth in this Bill were correct and recommended that the Bill be accepted, subject to certain amendments which were made.

This Bill was passed in the other place on April 16, 1996 and has been sent to this House for concurrence. Given those circumstances, Mr. Speaker, I hope that this Bill would also receive the support of this honourable House.

Mr. 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 9 ordered to stand part of the Bill.

Preamble 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.

JURY (AMDT.) BILL

Senate Amendments

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move,

That the Senate amendments to the Jury (Amdt.) Bill, 1996 listed in Appendix A to the Supplemental Order Paper be now considered.

Question proposed.

Question put and agreed to.

Clause 6

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Senate amendment read as follows:

Clause

6

Extent of Amendment

A. In line 2 of the new subsection 21A(1), delete the words “twelve jurors” and substitute the words “six jurors”.

B. In line 4 of the new subsection 21A(2), delete the words “at any time during the trial” and substitute the words “prior to the time the jury retires to consider its verdict”.

C. In line 3 of the new subsection 21A(4), delete the word “delivers” and substitute the words “retires to consider”.

Mr. Maharaj: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

Question proposed.

Mr. Imbert: Mr. Speaker, when we examine these amendments, we see that the Senate has managed to persuade the Attorney General of the wisdom of the counsel given to him by the Members on this side during the debate on this Bill.

You will note, Mr. Speaker, that it reduces the number of additional jurors from 12 to six, which recognizes the point we made on this side, that increasing the number of jurors from 12—24 would pose serious administrative problems in terms of sequestration of the jury; contamination of the jury, and so forth. I am happy to see that the hon. Attorney General, who, although he does not listen to us in this House—but when he goes into the Upper House he has to be a bit more polite and they beat some sense into his head—has reduced the number of jurors from 12 to six. I would simply ask the Attorney General, on the next occasion that we make points in this Parliament, rather than displaying arrogance, that he listen to us because we are quite reasonable on this side.

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

150 p.m.

Mr. Maharaj: Mr. Speaker, I have with me a record of the contributions made by Members of the Opposition in this debate in this House. What the hon. Member has said is not supported by the record. I will go through the summary and read from the contributions. *[Interruption]* Yes, I will read.

The policy of the Jury (Amdt.) Bill was that there should be alternate jurors and the amendments in the Senate did nothing to alter the policy—

Mr. Valley: Mr. Speaker, could the hon. Member give way?

Mr. Maharaj: Mr. Speaker, I am not giving way. *[Interruption]*

Mr. Valley: Obviously, because the question is: why did you walk with the *Hansard*?

Mr. Maharaj: Mr. Speaker, I know how the Opposition likes to mislead the House. If the Members of the Opposition wanted to make out a case they should have pointed out—*[Interruption]* Mr. Speaker, may I say that all that the Senate did was to agree with the concept—*[Interruption]* Mr. Speaker, I wonder if I could get some—

Mr. Speaker: Hon. Members, we owe it to ourselves to hear our colleagues in silence.

Thank you.

Mr. Maharaj: Mr. Speaker, the Senate agreed to reduce the number of alternate jurors from 12 to six, and they also agreed that the alternate jurors would not function after the jury had retired to consider the verdict. *[Interruption]*

Having regard to what the ex-Minister of Works and Transport said—*[Interruption]*

Mr. Speaker: Hon. Members, please, you are creating difficulties for the *Hansard* reporters. It is difficult to record faithfully that which is said when Members carry on in that manner.

I ask you, please.

Mr. Maharaj: Mr. Speaker, the Opposition spoke about the whole concept of alternate jurors and whether they were required in Trinidad and Tobago. They

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opposed the concept of having alternate jurors and I refer, specifically, to the contribution made by the Member for Arouca South on April 1, 1996. I quote.

“Where is the evidence which suggests that cases have had to be aborted or abandoned because the number of jurors has fallen and consequently there is a crying need for a system of alternate jurors to be introduced into our jurisprudence?”

Mr. Speaker, when we came with that Bill to this House the Opposition was against the concept of having alternate jurors. When we went to the Senate, however, the Opposition supported the concept of having alternate jurors. What has happened, Mr. Speaker, is that the Opposition has been frustrated, in that, they did not support the Bill and the Independent Senators supported it. That is why the Member has come to mislead this House here today.

The Member for Arouca South, in opposing the Bill, went on to say:

“I am of the view that if the Jury Act is being amended there should be a holistic approach to the amendment of that Jury Act.”

The position and the stance that the Opposition took, was that there should not be these amendments, “that there should be no alternate jury system.” As a matter of fact, the Attorney General was accused of transplanting the American jurisprudence in Trinidad and Tobago. Mr. Speaker, how could this Member now get up and say that he gave us advice?

I want to refer to the contribution of the hon. Member for San Fernando West. He went on to say that this Bill:

“...seeks to tamper and tinker with the Jury Act in a manner which does not promote the public interest. In fact, by its proposed amendments it might well pose to be inimical to members of the public who seek to do their duty by sitting as jurors.”

The Member was opposed to the Bill and that was the position the Opposition Members took. As a matter of fact, Mr. Speaker, when one looks at the contribution of all the Members of the Opposition one would see that one of them suggested that the alternate jurors should be six, five or four; there was nothing as an amendment being proposed.

Mr. Speaker, I am saying that the Opposition is leaderless, tactless, they have no plan, they cannot even remember what they contributed to, they are

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inconsistent; they say one thing in this House and say something else in the other House and when the amendment comes here they get up and try to mislead the House.

Question put and agreed to.

EVIDENCE (AMDT.) BILL
Senate Amendments

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move,

That the Senate amendments to the Evidence (Amdt.) Bill 1996 listed in Appendix B on the Supplemental Order Paper be now considered.

Question proposed.

Question put and agreed to.

Clause 2.

Senate amendment read as follows:

- “A. In line 5 of 2 (1A), insert between the words “or” and “any” the words “where there is no such office.
- B. In lines 9 and 10 of 2 (1A), delete the words “*prima facie* evidence that it was duly sworn” and substitute the words “admitted in any court in Trinidad and Tobago without proof of the seal or signature or due authorisation.”

Mr. Maharaj: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

Question proposed.

2.00 p.m.

Mr. Imbert: Mr. Speaker, I would ask the Attorney General not to misquote the *Hansard* record of my contributions, or not to read bits and pieces of it in an

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attempt to mislead. I am really surprised, but I understand that my colleague, the Member for San Fernando West, will deal with the misrepresentation of the Attorney General in due course. I also ask the Attorney General in his winding-up to explain what is really here.

We have gone from a situation where the Evidence (Amdt.) Bill was amended to allow documents purported to have been sworn before a notary public, or other such authority in a foreign country, to be admitted as *prima facie* evidence—that it was duly sworn. That is bad enough, Mr. Speaker.

We had a situation where the document referred to was simply going to be tendered in a court perhaps, but the Bill would only authenticate the fact that it was sworn, not the veracity of the context. Now we have an amendment that deletes those words and substitutes the words, "admitted in any court in Trinidad and Tobago without proof of the seal or signature or due authorization." I understand that in the other place they were not too happy with the Attorney General, but he demanded and insisted and railroaded the other place into accepting these words. That is my understanding, Mr. Speaker. What is the Attorney General trying to do here?

We have gone from a situation where a person with criminal intent can fabricate a bogus document with another person with criminal intent in a foreign country pretending to be a notary public. The person may not be a notary public at all and the document may be a tissue of lies which, now admissible in a court, could seriously tarnish the reputation of innocent persons in a situation which is quite confusing. It is now admitted in any court without proof of the seal or signature, so what is the point? If it can be admitted without proof of the seal or signature why bother to have the seal or signature on it at all?

Mr. Speaker, it seems to me that the Attorney General has gone from bad to worse. If I am misinterpreting the intent of this amendment, I would be most grateful for an explanation of exactly what he is doing because the parent Bill was bad enough, and unless this is some form of improvement which would somehow protect the innocent, I really have a serious difficulty with it. So I would ask the Attorney General to explain what this is all about, please.

Thank you, Mr. Speaker.

Mr. Maharaj: Mr. Speaker, I am glad to know that the hon. Member for Diego Martin East did not allege that this was his idea in the Lower House and, therefore, the Senate agreed with his idea, because he opposed this Bill when it

came here. He said that *prima facie* evidence was not good enough and the contention of the Opposition in this House was that it should be limited to a document signed by a notary public and certainly an approved commissioner of affidavit, but not other persons duly authorized by statute.

Mr. Speaker, when the matter went to the Upper House, Independent Senators thought that there was no question of having *prima facie* evidence. As a matter of fact, it was Sen. Daly who led the Independent Senators, supported by the Opposition in the other place, that if the purpose of the Bill is to be achieved affidavits could be admitted once they have complied with our law by being sworn in Trinidad and Tobago. They went further and said that the affidavit which was sworn in another country, either by a notary public or by a commissioner of affidavits, or where no such person is available, any other person duly authorized by statute, that those documents could be admitted in any court of Trinidad and Tobago without proof of the seal or signature. Let me explain what was said.

In Trinidad and Tobago when an affidavit is tendered in court one does not normally have to prove that the commissioner of affidavits signed the affidavit, his signature and stamp is regarded as the admission of the affidavit being duly authenticated. Mr. Speaker, that being the position in Trinidad and Tobago, and the Parliament wanting to equate a situation where an affidavit is signed abroad, the Upper House could say that there should be no need to have to prove that signature, that the document can be admitted. I think Members have to understand that the fact that the document can be admitted does not necessarily mean that matters in the document may be admitted because the legislation was just setting the mechanics that an affidavit sworn to abroad can be admitted without proof of the signature. All the laws of evidence remain such as hearsay evidence, inadmissibility, the fact that if a matter is in criminal proceedings an affidavit cannot be tendered; all those principles of law remain. So if I may answer the other side, I got more in the Senate than what I went for.

As a matter of fact, the Upper House, supported by the Opposition in the Senate—having regard to the purpose of the legislation, one could not really discharge the objects of the legislation by having it drafted in the way it was drafted. They wanted to be sure that there will be no difficulties in having this piece of legislation—*[Interruption]*

Mr. Imbert: I thank the hon. Attorney General for giving way. Is it also a fact that the Attorney General has given an undertaking to look at section 19

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pertaining to the whole question of the use of embassies to authenticate these documents and so forth? Could the Member confirm that?

Mr. Maharaj: Mr. Speaker, I was asked to look at section 19 in order to bring it in line with this piece of legislation, in other words, for the amended words to be used instead of using "*prima facie*" and other words. So they have asked me to bring the law with respect to those kinds of affidavits in line with this one, and I gave the undertaking to look at it in order to have it brought in line.

Question put and agreed to.

2.10 p.m.

CORONERS (AMDT.) BILL

Order for second reading read.

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move,

That a Bill to amend the Coroners Act, Chap. 6:04 be now read a second time.

Mr. Speaker, this Bill poses its origin to the *Gurley Report* of 1992. That report drew attention to the fact that the responsibility of holding inquests is that of the magistrate and by virtue of section 3(1) of the Coroners Act it provides that:

“Every Magistrate shall be a Coroner for the whole of Trinidad and Tobago,”

That report attracted the attention to the existing situation which is that magistrates have their regular duties to deal with their list of cases and the report observed that it is often the case that the inquests are adjourned for one or more reasons, the chief reason being that the court does not have the time to hear them. The team examined and paid particular attention to coroners’ inquests and discovered that there were over 3,000 inquests outstanding throughout Trinidad and Tobago, some since 1977.

The inevitable conclusion is that the holding and the determination of inquests are delayed for inordinately long periods with undesirable consequences to the citizens of Trinidad and Tobago. The holding of inquests and having them determined, is perhaps a very small part but it is an important part of the administration of justice and it is beyond doubt that when these delays occur the whole quality of justice would be reduced and adversely affected.

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Where there is long and unnecessary delay in investigating what may be perceived as unnatural deaths, not only is the family of the deceased person left in a state of bereaved uncertainty, but such delays may have unfortunate effect on the state of the estate of the deceased. Thus the *Gurley Report* recommended that there should be a shortening of the process of the hearing and determination of inquests and in an effort to implement that recommendation, the Bill seeks first of all to authorize the Judicial and Legal Service Commission which has the responsibility to appoint persons other than magistrates, as coroners.

Clause 3 of the Bill provides that the Judicial and Legal Service Commission would have such power and that such person will be required to take an oath of office before he enters into the performance of his duties. It is hoped that this will relieve magistrates to carry out their regular duties. May I point out that an order would have to be made under the Judicial and Legal Service Act simultaneously with the passing of this piece of legislation to include the office of coroner in the schedule for his appointment under that Act.

The Bill provides that a coroner so appointed, shall be vested with all the powers, privileges, rights and jurisdictions of a magistrate for the purpose of conducting a preliminary investigation into the cause of death of a person and leaves it to the Chief Justice to assign a coroner to any district. The Bill also vests in the coroner the authority to carry out a preliminary investigation as an alternative to conducting a full inquest. Under the existing law, the coroner is required under section 10 to hold an inquest. In other words, where a coroner is informed by the district medical officer of an "unnatural death" as defined in the Coroners Act, Chap. 6:04:

- “(a) which occurs in a sudden, violent, or unnatural manner;
- (b) where a dead body is found;
- (c) as to which any reasonable suspicion exists that the death has not arisen from natural causes; or
- (d) as to which any reasonable suspicion exists that any person is criminally responsible for such death;”

Where such person died while confined as a prisoner in any prison; where he is directed by the coroner within whose district the body is, to view the body and where an inquest is prescribed in respect of the death; where there is an unnatural death falling under this definition, and the coroner is informed by the district

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medical officer that further inquiry should be conducted, the coroner must carry out that inquest. So under the existing legislation, the district medical officer will conduct some preliminary investigations and where he informs the coroner that there should be further inquiry, an inquest must be conducted by the coroner. Under the existing legislation, if in the circumstances of the case, it appears to the coroner to hold an inquest although the district medical officer does not report that further inquiry ought to be made, the coroner has a discretion to still hold an inquest.

What this Bill provides is that the coroner must carry out a preliminary investigation and when he carries out that investigation, if he decides that an inquest is to be held, he will proceed to hold it. If he decides that there should be no further inquiry, then he will have to inform all the interested parties of the matter and he will fix a date and give his findings in open court. The papers are then referred to the Director of Public Prosecutions who has the power, if he so finds or he thinks that the coroner was wrong, to certify that there should be further inquiry.

What we are attempting to do by this Bill, is to provide a sort of clearing house or filtering system so that the coroner would be able to determine whether there is need to have full hearings for inquests and if he determines that there should be no such hearing, there is also the safeguard that the Director of Public Prosecutions can order, on the representations of lawyers and members of the public, that the DPP if he has any such evidence request that the inquiry be continued.

Where a coroner is of the opinion after the preliminary investigation is completed that there is no need to hold an inquest, he is required to certify and send the papers to the DPP who may, if he is so minded, direct the coroner to hold an inquest, in which event, the procedure prescribed by the principal Act for holding inquests shall apply. As I mentioned, even where the coroner decides that no further inquiry is to be held, he has to give all interested parties notice and he has to give his findings in open court.

2.20 p.m.

Mr. Speaker, the opportunity has also been taken in the Bill to act upon the recommendation of the Director of the Forensic Science Centre to increase the fees payable to medical personnel for the performance of post mortem duties and related matters under the Act.

The policy of the Bill, therefore—I want to say this because I know that when there are amendments to bills it seems to be such a big event in this country now—is to retain the system of having a coroner to investigate matters of unnatural deaths.

Mr. Speaker, you would know, but forgive me for saying it, the office of coroner is a very ancient one. In medieval times it was used as an agent of the king to investigate violent actions and to collect the king's dues; then, there was the advent of the lay justice system. After lay justices performed some of the functions that the coroners did, there was, to some extent, a decline in the jurisdiction of coroners, but a system developed whereby lay justices functioned alongside that of the coroners. Therefore one had this dual system.

With the rise in the modern police service whereby crime detection is really done by the police service, questions have arisen in several jurisdictions as to whether one should retain the system of having coroners. One of the most powerful arguments in favour of retaining this system is that it provides an independent machinery for investigating unnatural deaths and gives the public the confidence that deaths which may not be investigated would be done in the way they would like the police to investigate it; and that there is, in effect, a judicial machinery for having them investigated. It is a kind of "public conscience storehouse", if I may use that term, in order to satisfy the public that the Executive, or any of its agencies, is not covering up anybody's faults or criminal acts.

Therefore, although one had the rise in the modern police service, and there was the whole question of the increase of the lay justice system, one saw that the office of the coroner was a system which should be retained. As a matter of fact, the Law Reform Commission of Hong Kong, as one of the Commonwealth countries, did an in-depth study into the whole question of the functions and duties of coroner.

I am saying this in order to show the importance of the office. Although some people would believe that the office of coroner is not an important one, I wish to say that the coroner performs a very important function in the preservation of democracy and the rule of law in Trinidad and Tobago. As a matter of fact, even in 1968 the Law Reform Committee of Trinidad and Tobago did a study on the whole question of the coroners ordinance. In Ontario, the Law Reform Commission also did a study and analyzed the whole question of the role and functions of the coroner.

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May I say that in all these studies it was recognized that the coroners have, and should have, these two functions: firstly, to conduct a preliminary investigation and, secondly, if that investigation demands that there should be further inquiry, the coroner should have the function to have an inquest.

For the records, I refer to a very helpful study which is the report on the coroner system in Ontario by the Ontario Law Reform Commission, 1971. Page 27 deals with the coroner's investigation and page 28 deals with his functions in hearing and determining an inquest.

The office of coroner is important and we have decided, as a matter of policy in this Bill, to retain that system. We also decided—and there is a policy in this Bill—that persons who are legally trained and qualified who are not magistrates, can be appointed as coroners. We have a situation where under the present system there are magistrates having to perform their normal functions and also to conduct inquests. For example, a magistrate would have to do his ordinary list; he would have to take prisoners who are on remand; prisoners who have been arrested recently; he has to do his normal list with the criminal list; he has to do a summary court list, an indictable court list; he may have to do a maintenance list, an affiliation list—and also to conduct inquests.

Mr. Speaker, what happens is that when an inquest has to be conducted under the present law, the requirement is that although one has the evidence on statements, the magistrate who is conducting the inquest, who is the coroner, must call all the material witnesses. It is a full hearing, but this gives the coroner the discretion to determine, on reading the papers, studying the reports and all relevant material before him, whether it is necessary to have such an inquest.

The second aspect of the policy of the Bill really is that persons who are not magistrates can act as coroners. The third policy decision under the Bill is that coroners would have the power to conduct preliminary investigations and determine whether they should proceed to hold inquests. So that there is a statutory discretion being given to the coroner that by reading and studying the papers, he can determine whether he should go further and have a full-blooded inquest.

Mr. Speaker, I would just like to mention that in order to make the provisions more specific, and by the Government listening to some of the suggestions which it has received since this Bill has been out, one would see that in respect of section 2 of the Act—in the amendments, which I would obviously table and deal

with at the committee stage, but I would like to mention it now—we have put a definition whereby “‘preliminary investigation’ means the examination of the report of the District Medical Officer and of any other related document submitted to the Coroner”.

Mr. Speaker, although that position was well defined in law, may I, for reference, mention *Halsbury Laws of England, 4th Ed., Vol. 9*, paragraphs 1036 and 1062. With regard to preliminary investigation, we decided that we should specify what preliminary investigation meant so that there would be no problem in people understanding what it means.

2.30 p.m.

Mr. Speaker, in order to make it quite clear that a coroner must hold a preliminary investigation, in clause 4 of the Bill, we have decided to use the words “shall carry out a preliminary investigation”. Instead of using “may hold a preliminary investigation” so that it would not be confused with a preliminary inquiry, which is a totally different matter, we have used the words “carry out a preliminary investigation.” So that one knows the importance of the coroner and the other provisions of the Act are not touched.

For example, under section 32 of the existing Act one sees that there is already the power given to a Director of Public Prosecutions that if he considers that further inquiry is necessary the Director of Public Prosecutions can give directions to the coroner. One sees in section 28 of the existing legislation it states:

“If, during the course or at the close of any inquest, the Coroner is of opinion that sufficient grounds are disclosed for making a charge on indictment against any person, he may issue his warrant for the apprehension of the person and taking him before a Magistrate, and may bind over any witness who has been examined by or before him in a recognizance with or without surety to appear and give evidence before the Magistrate.”

When a coroner hears an inquest and he finds that there is sufficient grounds for making out an indictable charge against a person he has the power to issue a warrant for that person. That provision is not affected. If the coroner who is appointed is conducting an inquest and he makes that finding he has the power under section 28.

I should mention that in 1992 when the last administration decided to appoint the Gurley Committee to look at the administration of justice it appointed that committee in May and it got a report in July. In May, when the then Attorney General spoke in the Parliament about the dismal picture with respect to the administration of justice, indicating that the position cannot be tolerated because it is really a black mark on the whole question of the administration of justice, he said and I quote:

“I may have painted a dismal picture, but that is not even the whole canvas. The fact is that the situation is truly bad. My investigations have shown that there is no area of the delivery aspect of the system of justice which is free from the horror of delay. The final nail in the coffin, so to speak, lies in the statistics relating to Coroners Inquests that is, preliminary investigations into unnatural deaths. Those figures show that there are over 3,231 cases which have not even reached the Coroner for a determination as to the cause of death far less to determine whether or not a felony has been committed.”

One would, therefore, understand that there are two kinds of cases; one which might not even have reached the coroner and one which is before the coroner. In respect of the one before the coroner there were 3,231 cases in 1992. In 1992 the then administration announced that this matter was so important that it was appointing a special committee to implement this report, to bring whatever legislation was necessary in order to attack the problem. It is now history, political and otherwise, that the problem was dealt with by not acting, negligently. The people dealt with the problem. The problem was the PNM and the people dealt with the problem.

According to the figures which I have now, as at April, 1996 these are the inquests before the coroner:

San Fernando	-	1,296
Point Fortin	-	14
Prince Town	-	6
Couva	-	62
Chaguanas	-	92
Siparia	-	117
Mayaro/Rio Claro	-	52

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Sangre Grande	-	88
Arima	-	90
Tunapuna	-	90
St. George West	-	302
Tobago	-	<u>36</u>
Total		<u>2,245</u>

Mr. Speaker, there is a situation where, in spite of what the *Gurley Report* said, in spite of what the then government knew, in spite of what the then Attorney General, then the guardian of public justice said, that this was something that had to be addressed and redressed, immediately we see a situation where it is now the responsibility of this Government of national unity to introduce a piece of legislation which the last administration could have introduced since 1992.
[Desk thumping]

An inquest by its very nature is something to be done quickly, within a matter of days, not within a matter of months or within a matter of years. Under the PNM it became the norm to, in effect, encourage delays. We are hoping by this amendment to have those persons who are appointed as coroners to be able to deal with the backlog—over 2,000 inquests—and to deal with the inquests which come from time to time, the current load, so that there would be a situation in Trinidad and Tobago where inquests would be heard and determined quickly within a matter of days or months and not within a matter of years.

It is important so that when there is any death for which the police have not made any arrests, in which it is felt that it is an unnatural death, then it is important for some intervention by a judicial body and also an inquest.

So that this Bill is evidence of a genuine commitment by this Government of national unity to deal with the delays in the administration of justice and, in particular, the delays which are occasioned in the hearing and determination of inquests.

The Member for San Fernando East has gone walking about. He does not come to the Parliament. He comes, interrupts, and wants to leave in 15 minutes. He does not get up to make any contribution, he does not go to his caucus meetings, he is leaderless, he is not providing any leadership and he comes to disturb me when I am making by contribution.

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Since this Government of national unity took office it has enacted legislation to deal with the problems in the administration of justice. I know the Member does not like to hear it so I repeat it, Government of national unity.

This Government enacted legislation to create an additional division of the Court of Appeal. This Government enacted legislation to create four new posts of High Court Judges. This Government made the provisions for 12 new magistrates. These are only some of the measures which this Government has taken and this Bill is yet another piece of evidence to erase the dismal picture which the last administration recognized existed in the administration of justice but failed to deal with it.

In concluding, I can say that the provisions of this Bill would give the Government the ability to take the necessary steps in order to ensure that the judicial arm of the state has the necessary machinery, necessary human resource to deal with the problem of the hearing and determination of inquests and the backlog which now exists in the courts.

Mr. Speaker, I beg to move.

Question proposed.

2.40 p.m.

Mr. Barendra Sinanan (*San Fernando West*): Mr. Speaker, may I first point out to the hon. Attorney General that I wholeheartedly agree and support the recommendations of the *Gurley Report* and his introduction of this Bill in the House today. I hope on the next occasion when he has to quote me, he would remember that I am supporting the measure before the House. The hon. Attorney General referred to certain remarks I made on the Jury (Amdt.) Bill.

I quote from my contribution from *Hansard*. What I said was really in the alternative, but it meant the same thing. It states:

“Perhaps one could have achieved the same objective by increasing the array from 12 to perhaps 15 jurors. In the case of trials for murder or treason, and in any other criminal trial, perhaps, from nine to 12 jurors...

If it is that we need twelve, or even four or five alternate jurors, then perhaps,...the entire criminal system of justice has broken down.”

The recommendations of the Bill in its Explanatory Note seek to implement the recommendations of the *Gurley Report*.

Mr. Speaker: Members, just for the sake of the record, good order and discipline, may I suggest that it is not proper for a Member on either side of the House to mention that another Member is dishonest, particularly when it is said in tones which are not *sotto voce* and could be heard only perhaps by his neighbour.

Mr. B. Sinanan: The Bill before us seeks to implement the recommendations of the *Gurley Report* by amending the Coroners Act, Chap. 6:04 to provide for the coroner to hold a preliminary investigation instead of an inquest when the circumstances warrant it, and to provide for persons other than magistrates to be appointed as coroners. It goes on to mention the opportunities taken to increase the remuneration of medical doctors.

The *Gurley Report* as quoted by the hon. Attorney General identified one reason for the delay in having these inquests determined. As stated by the hon. Attorney General, the chief reason is that the court does not have the time to hear these inquests. There are also other reasons, but taking the first reason as stated in the *Gurley Report*, perhaps it is a question of management as now pertains in the higher judiciary. We have seen a vast improvement in the hearing and determination of cases.

Indeed, the Court of Appeal is now hearing and determining appeals filed in 1995. Apart from the Court of Appeal devoting a lot of time to the hearing of these appeals especially in murder trials to comply with the Pratt and Morgan decision, it also lends itself to proceedings in the magistrates' courts. If magistrates were to list cases which they know could be heard and determined instead of listing 50, 60 or 70 cases when time would only permit two or three to be heard and determined, that certainly would improve the system of justice and save witnesses and litigants money by preventing them from having to come to court, whenever the case is called, only to have it adjourned. I imagine that in the not too distant future a similar situation would obtain in the magistrates' courts whereby cases can be properly regulated, heard and determined.

Clause 3 of the Bill seeks to take care of the increase of coroners by appointing persons other than magistrates to sit as coroners. The question arises as to the qualification of such persons. We know that in the substantive Act coroners had to be magistrates. There is no provision in the Bill before us to indicate that persons with some legal background would be appointed to sit as coroners. It is hoped and I believe that the members of the Judicial and Legal Service Commission would in fact appoint persons with some legal background

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to sit as coroners. Apart from the question of qualification, there is no reference to remuneration and whether the appointment would be part time, permanent or otherwise. Again, I imagine all these matters would be addressed at the appropriate time.

Other persons other than magistrates imply that the Judicial and Legal Service Commission can appoint any person, as it says, other than a magistrate who has a legal background. It is of particular concern to us that persons who are appointed as coroners should have some legal background. I am happy that the hon. Attorney General, although belatedly, saw the wisdom of introducing his amendments. In clause 4 of the Bill the words “may hold” as originally stated in the Bill did imply that the coroner had the discretion whether to hold an inquest or not.

In clause 10(2), I am happy that the Attorney General did provide an amendment for the definition of “preliminary investigation”. Nevertheless, the question arises as to what form and manner this preliminary investigation would take. The amendment defines “preliminary investigation” as the examination of a report of the district medical officer and of any other relevant documents submitted to the court.

This is in line with the recommendations of the *Gurley Report*. I support the amendment because without the amendment in clause 10 and the definition of “preliminary investigation”, the Bill would lead to much confusion.

2.50 p.m.

The question does arise, however, as to duplication. If the coroner decides to hold a preliminary investigation, does he look only at the papers of the district medical officer and other relevant documents of the coroner to determine whether there should be an inquest? I suspect there is some duplication in the preliminary enquiry and the inquest, so I hope that the Attorney General, when he is winding up will give us some clarification on that.

I note that in clause 8 of the Bill, section 20 of the substantive Act is repealed. Section 20 states that:

“Every inquest under this Act shall be a judicial enquiry and may be held as well on Sunday as on any other day.”

I note the Attorney General offered no explanation why this section was repealed.

In clause 9 of the Bill, where the Director of Public Prosecutions can still order an inquest even though the coroner has ruled against one, we have to improve the staffing at the office of the Director of Public Prosecutions. There are so many cases which need his attention that I am not sure whether the DPP has the time to look at all of these situations. Increasing the number of coroners would not necessarily improve the speed with which these inquests are determined. One has to look at the provision of staff for the coroner. If the coroner has to use the existing staff of the magistrates' court, that will not solve the problem. If he has to use the same building, again that will not solve the problem because the magistrate will be occupying his court and there would not be room for the coroner to sit. I am suggesting, for the system to work, that the coroner be provided with staff solely assigned to the Coroners' Court. Process servers should also be assigned solely to the Coroners' Court. Very often there is an inquest listed for hearing and the parties turn up only to have the case adjourned. They come back again on the adjourned date and the same thing happens. This puts a tremendous financial burden on them. I think there is need for courts and staff for the holding of inquests.

As I said in my opening remarks, it is legislation that was recommended by the *Gurley Report* and we on this side, and I in particular, have absolutely no difficulty in supporting it.

I thank you.

Dr. Fuad Khan (*Barataria/San Juan*): Mr. Speaker, I rise in support of this amendment to the Coroners Act. I will stray a little from the legal aspects and introduce some more humane aspects and indirect benefits of this Bill.

I would like to start by quoting something from the legislative aspect of the *Gurley Report*. In the last line, under "Coroner's Inquest", something that has been overlooked is mentioned. It states that the situation which is being addressed is intolerable and should be addressed immediately. The situation they are speaking about is that of the magistrates who do not sit exclusively as coroners. They have a regular list of cases, hence there is a large number of adjournments of these inquests because the court does not have time to hear them.

As a previous district medical officer, I have been caught up in inquests during my stint and one particular case comes to mind where a five-year-old girl was knocked down by a truck after exiting a bus and attempting to cross the street. Her head was smashed. It is a case which has stuck with me because I was

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at the scene. I saw the family in total grief with the mother banging her head. In fact, she could not look at the child. I was called to that inquest four years after that, not because it had reached inquest stage, but because the police sergeant at the time pushed it through.

At the inquest, I was privy to speak with the family and the mother was still distraught. I asked the sergeant to bring this inquest when I myself had forgotten the incident. I did not think about the victims who had gone through emotional scarring only to be brought to a court to be told that the matter was postponed for three months, and have this emotional damage continue.

This was something which I considered at the time extremely horrible, but I could not do anything about it. I was told then that the magistrate was the coroner and determined what occurred. Not only that, which is the more humane aspect of it, one thinks also about the truck driver who was in limbo for four years pending a charge for knocking down this child through no fault of his own, and now the matter was adjourned.

I can see the reason for the *Gurley Report* recommending an increased number of magistrates or coroners to deal entirely with inquests and to be responsible for a certain area. This will shorten both hearing and determination of cases. Also, what had proven to be a major problem was that the other witnesses and I had to be rounded up and statements had to be heard in the court house. Some were there, some were not. I was sometimes in a clinic or out of the country.

3.00 p.m.

All these delays took place because we had to be at that court for the preliminary hearing. The amendment, therefore, addresses the problem where the coroner would be a person determined by the judicial legal profession who is fit to act as a coroner. It also addresses the deficiencies such as witness hearing and so forth in a preliminary report where the coroner has to give his verdict and his determination.

Not only was there a victim or, as they say, an aggressor response, but there was also that of the police time. The policeman, who is the sergeant in this case, and to whom I was accustomed, had to come to court on a regular basis for these inquests which were constantly being adjourned. In fact, the adjournment of cases due to long lists has become a fact of life. People are so accustomed to it, that it has now become the norm. After a while I asked, why should I have to come to

this inquest and nothing is being done? They said, “Do not worry this happens all the time.”

I am very glad to see that the amendment to this Bill is addressing one specific problem of the Coroners Act. There is another part of it that I would like to mention. The system itself would be freed-up and it will also help determine these inquests at a rapid rate. The police and the witnesses themselves would be able to do their duties and give the evidence when they are called upon.

Another matter which is being passed over very lightly is that of the remuneration to the medical services. The Member for San Fernando West just passed off this aspect of it very lightly. I feel very strongly about that issue because being a medical practitioner myself, a previous DMO, a junior and senior surgeon in the hospital, although this amendment addresses a certain part of an autopsy—increasing the fees to \$50.00 for viewing and the pathology to \$300.00—I do find that it is admirable for this Government to bring it to light. For too long there has been a certain myth propagated in this country, as well as the world, that doctors are rich. Mr. Speaker, I may add, at this point in time, that government doctors exist close to or below the poverty line, believe it or not. *[Interruption]* Let me show why. As a young doctor one’s salary has to cover:

- (1) The cost of medical books—they are extremely expensive.
- (2) The cost of training—that is expensive.
- (3) When a young doctor has to specialize he has to go to England. The pound at this time is \$9.9 odd dollars. The cost of the examinations in England is very expensive. The cost of medical equipment, which has to come from his pocket for day to day working in hospitals, is expensive. The cost of medical defence in its smallest amount works up to about \$600.00 per month per doctor and it is not tax deductible—which we would try to rectify.

We have recognized the fact that government doctors work very long, hard hours and are not fully compensated. I do support this amendment for the district medical officers, as well as the pathologists, for a small increase for these duties.

The amendment to this Bill is necessary. I thank the Member for San Fernando West for helping me to support it. I stand here in this short contribution in support of this amendment. I do hope that it will help alleviate the problems of

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the intolerable situation which exist with respect to inquests, taking into consideration the rights and feelings of those families concerned.

Mr. Eric Williams (*Port of Spain South*): Mr. Speaker, I rise to make a short intervention in the debate on this Bill. Mr. Speaker, this is really good law. [*Desk thumping*] It has come from a good report—the *Gurley Report* initiated by a previous administration. It is commendable that the legislative agenda has allowed it to come at this time. During the time previous to this, a number of things were coming—

Mr. Singh: Were you there?

Mr. E. Williams: As a citizen I read the newspaper, I am sorry if you did not.

Mr. Speaker, at that time a number of Bills were coming to this House, they were stymied, postponed and blocked, so I am really delighted that this Bill is finally seeing the light without anymore blockages. [*Desk thumping*]

However, there are a couple of things about this Bill—its laudable purport and intent, notwithstanding—that cause me some concern. This Bill is portrayed as one of the main planks in the fight against crime and the freeing-up of the judicial system, the administration of justice and so forth. Much weather has been made of the delays in the administration of justice, particularly, in the magistracy.

I would have thought, taking the perspective of the holistic approach, that this would have been an excellent opportunity for the Members on the other side—I hope that somebody does come down the road to say— [*Interruption*] As a Member of the Opposition it is my duty to advise you.

Mr. Speaker, there are a number of other issues that deal with the administration of justice, particularly in the magistracy, it would have been really useful for this House to have been advised on this Government's procedure to deal with them. Particularly, as we are assisting the magistracy with providing a coroners' court.

3.10 p.m.

Mr. Speaker, no comment has been made on some of the other factors which would free-up the magistracy. Permit me to outline some of those items which ought to be considered. With reference to coroners in this Bill they can be any persons so appointed by the Judicial and Legal Service Commission. Indeed, it is

true that maybe it does not necessarily have to be a lawyer who can and has been a coroner in other places, but the key here is the training of coroners.

My Friend, the Member for Barataria/San Juan, gave us a very impassioned, emotional, firsthand account of the activities of a DMO insofar as they relate to the activities of the coroner. He also went on to point out that a certain amount of specialized training is necessary even for just a regular doctor or, in fact a doctor who is specializing in a particular area of the medicine. Mr. Speaker, the function of a coroner is also extremely specialized.

In today's world where there is DNA testing and other advanced techniques of forensic science which require additional training whether it is a legal mind, a medical mind or some other qualified person, the additional training required to become a coroner has become very necessary, because in a coroners' court or in a preliminary inquiry, the normal rules that obtain in the magistrates' court do not obtain. In fact, lawyers are present in the coroners' court with the permission of the coroner but they are not allowed to cross-examine witnesses. In fact, the coroner is conducting the enquiry, it is not a normal court of law.

The ability to conduct such a court in such a manner with the new technologies that are available to us, require extra training which I have not heard mentioned on the other side, so I congratulate the Member for Barataria/San Juan on his maiden speech— [*Desk thumping*] raising, for his Attorney General, the issue of training and the costs involved with training even medical officers in their specialized areas.

With all the additional loans and subsidies of medical training that are being put forward now by this Government, which is really a continuation of past policy, provision ought to be made for the specialized training of coroners, if we want this Bill, among others, to take the effect that is intended.

In addition, I listened carefully to the learned Attorney General telling us about the procedures that he has consulted on with the magistracy and indeed, with the Chief Justice in terms of the day-to-day administration, the additional support staff, possibly the security that he might provide for magistrates and/or coroners in sensitive cases or, maybe even drivers for those who have to travel long distances which would help to alleviate the burn-out that is prevalent among some of our magistrates. I think this would have been an excellent opportunity to put an entire package together, but it became clear to me after looking at today's headlines that it is not by chance that this Bill came before the House today nor,

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is it by chance that the headlines in both the *Trinidad Guardian* and the *Daily Express* of today, boast of additional crime-fighting measures.

Here it is we are dealing with a very laudable Bill, something we are really glad to see, freeing up some aspects of the magistracy even though we are not dealing with the most important aspects of freeing up the magistracy which have to do with the system of justice. Mr. Speaker, I will refer to that again. We have co-ordinated so that Cabinet agreed to have additional police officers and to increase the meal allowance, Cola and so forth. In fact, everyone is saying, great! So at the end of the day we come away saying, "Boy, we have had all these things happen in the space of two days! This is great!" Mr. Speaker, it is true that these measures are needed and are necessary.

Mr. Speaker, today's *Express* headline talks about "741 more cops coming," *Trinidad Guardian* says "Boosts for police service," and Bulletin No. 296 of the Trinidad and Tobago Police Service, Social and Welfare Association dated February 1996 trumpets all these activities. This increase in meal and house allowances and Cola for part-time SRPs, was part of an entire package which also included the increase in police officers, and it passes curious that this only came out yesterday to be trumpeted in today's papers until when I looked at the police service bulletin which states:

"In accordance with Government's *Gazette* No. 218, 1995, the finance branch is in the process of collating the list of part-time SRPs to receive Cola retroactive to August 1995."

Mr. Speaker, I wondered when was Government *Gazette* No. 218, 1995 published. It was published on October 18, 1995. My information is, that this measure was awaiting approval and in fact was delayed until quite curiously May 09, just in time to be published today when we are dealing with a Bill to alleviate the distress caused to many families through delays in the coroners' court. What we are looking at is the fact that Cabinet agreed yesterday, and they accused Members on this side of causing delays yet they have delayed this measure to co-ordinate, to play politics with the very people that the Member for Barataria/San Juan just told us about in a very emotional manner. *[Desk thumping]*
[Interruption]

Mr. Speaker, the Member for St. Joseph has clearly denied his own Christianity by introducing the sale of alcohol on Sunday. *[Desk thumping]*

3.20 p.m.

Hon. Member: Shamelessly.

Mr. E. Williams: I would have thought that today would have been an excellent opportunity to discuss how we were going to get the prisoners to court in a more timely manner which would assist in freeing up the magistracy.

Mr. Speaker, are you aware, that if a prisoner decides he is not going to go to court to have his matter heard and he is in a cell with, say 14 prisoners in the remand yard in the holding bay, if he hides at the back and does not answer to his name when called, there is a very good likelihood that he will not go to court on that day? Are you also aware that this is one of the things that causes delays in the magistracy?

I would have thought that the learned Attorney General would have told us today that he was moving the functions of the coroner and increasing the establishment to assist with that, and also making sure that we can get the prisoners to court. Today would have been an excellent opportunity to tell us how he was going to do that. *[Interruption]* You see it is his “woulda, coulda” and hopefully should—*[Laughter]*

Today would have been an excellent opportunity—after the learned Attorney General told us that he has increased the fees of the medical officers and the forensic scientists, and so forth on the recommendation of the Director of Forensics—to tell us that this coalition Government has approved the hiring of additional forensic scientists to assist the only one who is currently at the forensic centre. *[Desk thumping]* It would have been an excellent opportunity to have even said so, rather than to have been prompted with the advice that he so glibly says he does not need. The one forensic scientist today sees about the entire Caribbean, and quite often his priorities lie elsewhere.

As a scientist, I have come to understand that when one publishes work, one gives references at the back of one’s paper—that is to say if one does not plagiarize—and builds on what is already there in the body of work. While it is true to say that the system is inadequate, the scientific, and in fact, the human endeavour, would suggest that it is not such a bad thing to show up, improve, or to build on what is in existence, rather than to glibly criticize the inadequacies that are there. I commend this to the other side as some of the things that could be done.

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What about the fact that several magistrates have not had leave for extended periods and one of the recent incidents where magistrates were called in and asked to improve their performance? What is this Government going to do to improve on the administration of the magistracy that is contained in the report that has already been referred? Today would have been an excellent opportunity for the learned Attorney General to tell us. I sincerely hope that the country can be told and that other Members on that side will come forward and tell us. I invite you to do so because I think the nation is waiting. It is time we must stop being overly critical of inadequacies that are in our system.

We are a developing nation, and as a developing nation, one goes through a learning process. Mr. Speaker, it is not unusual to see that when a child is learning to walk it falls down. It is not unusual for most of us as teenagers—and I expect that most of us have had a normal teenage life—to have gone through many teething problems on the way to becoming adults. The business of criticizing the past merely to score political points is, in fact, not an adult form of behaviour. [*Desk thumping*]

Mr. Assam: So, you are in fact, not an adult. You are an infant.

Mr. E. Williams: We must build—

Mr. Singh: So you are denying your past?

Mr. E. Williams: I hope that the Member for Caroni East will not deny the 10 years that it took him—

Hon. Member: It is 12 years.

Mr. Hinds: Twelve years to attain legal maturity.

Mr. E. Williams: Mr. Speaker, I refuse to descend into the gutter and I will not be lured. In a society such as ours where the loyalties of the citizens are brought into question, particularly those of the defence forces, I wonder if the Prime Minister, as head of the National Security Council, is prepared to make a statement on the dismissal of Major General Ralph Brown, the former head of the intelligence agency?

Mr. Assam: That is not your business.

Mr. E. Williams: He had just completed a presentation to the National Security Council as to the drug situation in the country, on who the drug runners are and how serious the drug trade is.

Mr. Assam: Tell us why you declared a state of emergency to arrest the Speaker.

Mr. E. Williams: Mr. Speaker, a number of cases that go to the coroners' court have to do with drugs. This would have been an excellent opportunity to tell us these things, because these are current questions. Instead, much has been made of past mistakes of the previous regimes.

Mr. Assam: You should therefore confess and ask for forgiveness for the things that are now coming out.

Mr. E. Williams: Much has been made of the fact that the recommendations of the *Gurley Report* are now coming out, and that the previous Government attempted to have the former Speaker removed from your official home, Mr. Speaker, where she still resides.

I think today would have been a good opportunity to deal seriously with the issues that have caused the emotional scarring and untimely deaths, so aptly described by my Friend from Barataria/San Juan.

3.30 p.m.

Mr. Speaker, I repeat myself in saying that the Bill before us today to amend the Coroners Act is good law. It is needed in this nation and I commend the learned Attorney General for brining it at this time. [*Desk thumping*] However, there are many other measures that ought to have been addressed either at the same time or before this. Members on the other side are now beginning to learn that they cannot do everything at the same time. It takes time and I commend them for, in fact, building on the solid foundation that was left by the previous regime.

The Minister of Education (Hon. Dr. Adesh Nanan): Mr. Speaker, thank you for allowing me to make a contribution in this very important debate. I stand here fully in support of the Coroners (Amdt.) Bill, 1996.

Mr. Speaker, let me briefly trace the history of the coroner. The office of the coroner is of great antiquity and no satisfactory account of its origin can be given. However, it is generally accepted that this office was in existence prior to the

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13th Century. Traditionally, coroners were appointed only from a batch of lawyers. However, under the Medical Act of 1895, registered medical practitioners can be appointed as coroners. In Trinidad, however, under the Coroners Act, Chap. 6:04, only magistrates are appointed as coroners.

Mr. Speaker, the proposed amendment, clause 4 states:

"10 (1) A Coroner having received the report of the District Medical Officer as to the cause of death of any person,..."

shall carry out

"...preliminary investigation as to the cause and circumstances of the death."

Mr. Speaker, the proposed amendment whereby the coroner would hold a preliminary investigation instead of an inquest is to be welcomed. This added facility, together with the powers which are already contained in the Coroners Act would permit the coroner to conduct his investigation with the necessary procedural requirements to obtain evidence.

As it is, the coroner has to rely on the police. This new amendment would enable coroners to undertake such investigations from a position of secrecy and independence and would thus serve the ends of justice far better than the present system which obtains.

Mr. Speaker, the Member for San Fernando East has gone about this country losing a game of political football, I must say. *[Desk thumping]* He still has delusions of grandeur. *[Desk thumping]* Does he not realize that he cannot fool the people any more and that is why they have put him where he is on the opposite side? *[Desk thumping]*

Mr. Speaker, the following legislative measures bear testimony of this Government of national unity's commitment to speed up the administration of justice. I make reference to:

- a Bill to amend the Habeas Corpus Act;
- a Bill to amend the Supreme Court of Judicature Act;
- a Bill to amend the Jury Act;
- a Bill to amend the Evidence Act; and
- a Bill to amend the Indictable Offences (Preliminary Enquiry) Act.

Mr. Speaker, we welcomed the contribution of the hon. Member for San Fernando West. He spoke about vast improvements in the judicial system, but I want him to remember that the *Gurley Report* stated that in 1992 there were over 3,000 inquests outstanding and today there are over 2,000 inquests still pending. Mr. Speaker, he speaks about vast improvement. *[Interruption]* The Member for Arouca North should make a contribution in this debate rather than just spending time chattering on that side. *[Desk thumping and laughter]*

Mr. Speaker, every Friday I listen to the Member for Port of Spain South make a contribution in this House, and he always mentions that he "wonders"; and he continues to wonder. When will he wake up? *[Desk thumping]* Mr. Speaker, he reminds me of Alice in Wonderland. *[Desk thumping and laughter]*

Dr. Mohammed: No, no, Alice is not here today, he is sick.

Hon. Dr. A. Nanan: Mr. Speaker, I want to tell him that patience is a virtue. He keeps trying to tell this Government how to run its affairs. Mr. Speaker, I think he is becoming paranoid because when he looks at the unfolding of the crime plan and the effect it is going to have and continues to have, he is getting worried. The Opposition is becoming worried. *[Desk thumping]* He is trying to change the image of the Government. He comes to this House and says that we wanted the headlines today. That is not the point. The point here is that this Government did what that Opposition could not do. *[Desk thumping]* Because we recognized the importance of the police force and gave them an incentive. The Opposition objected.

Hon. Members: Police service.

Mr. Speaker: Hon. Members, yes, many Members are having some fun, but we are really here to be a little more serious than that. I suggest that we hear the Member with a little less noise.

Hon. Dr. A. Nanan: Thank you, Mr. Speaker, for your intervention.

Mr. Speaker, we welcome the inputs of the hon. Member for San Fernando West and the hon. Member for Port of Spain South, but the point is—and I want them to recognize that—it was their lack, and continued lack in what we call a "woulda, shoulda government". The *Gurley Report* of 1992, that I made reference to, was commissioned in May and the report presented in June. As I said before, there were 3,000 cases at that time and presently there are over 2,000 cases still pending.

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3.40 p.m.

The Member for Port of Spain South made reference to different areas that we did not concentrate on. This debate is seeking to show the public that we are going to fight crime. We have said that on our platform and we are continuing to show that this Government of national unity is for the people no matter what the Opposition says.

Mr. Speaker the Member made reference to obstacles. That is why the legislation could not be passed. That is what I call a “coulda, woulda, shoulda government.” *[Desk thumping]*

We welcome the contribution of the Member for San Fernando West; we welcome the contribution of the Member for Port of Spain South, but our Attorney General brought the legislation forward and he would continue to do so as this Government strives to improve the state of the economy.

Mr. Speaker, the Member for San Fernando East continues to interrupt in this debate. I hope that the Member stands up and tells this country about what he predicted for them in La Brea. He says he is a geologist and every day I read in the newspapers in the “Letters to the editor,”—will the Member for San Fernando East apologize to the Nation? I call on the Member today, to apologize in his contribution, if he intends to, in this debate. *[Desk thumping]*

As I conclude, Mr. Speaker, in this debate, I thank you for this opportunity to address the contributions of the Members for Port of Spain South and San Fernando West. I hope that the Member for Port of Spain South would stop wondering and help the people from Port of Spain South, also, that the Member for Laventille East/Morvant would actually look around his constituency and help the people there because we are all working for the benefit of the population of Trinidad and Tobago.

I thank you.

Mr. Colm Imbert (*Diego Martin East*): Mr. Speaker, I really have difficulty entering this debate after the contribution of the Member for Tabaquite. I would ask the Member, on the next occasion to try to enter into a debate rather than referring to his written notes, which he appeared to have had difficulty with when he misread a certain sentence or paragraph. He had to stop during his contribution.

The Member for Tabaquite's contribution is noted for its vacuousness, its superficiality, its triviality, its flippancy, and sheer errant irrelevance. Thankfully, it was mercifully brief.

Mr. Speaker, I have noticed that in their contributions, the Members on the other side seem to have difficulty with the English language, pronunciation in particular. It is often said one can take some sort of significance in the action of a person from one's name. In this particular case I would ask the Member for St. Joseph to consider the first three letters of his name. The correct pronunciation of the subject of this Act is coroner, not "corona."

Let me deal with the matter at hand. Clause 3A(1) of the Bill before the House states:

"Notwithstanding section 3, the Judicial and Legal Service Commission may appoint persons other than Magistrates as Coroners."

I ask the Attorney General not to display his usual arrogance. Members on this side have made serious points. This leaves it open. What are the qualifications of the persons to be appointed as coroners? A coroner is, in effect, almost a judge and the proceedings of an inquest resembles a trial or a preliminary inquiry. A magistrate—I will ask the Member for Couva South to be reasonable in this matter and to introduce an amendment along the lines of "any person to be appointed as a coroner under this Act shall have qualifications equal to that of a magistrate" or whatever. He may not wish a qualification as tight as that but the point I am making is that this is a very serious matter and it leaves it open, although I would not expect the Judicial and Legal Service Commission to be flippant or frivolous in the manner in which they go about appointing persons to be coroners under this new legislation. I would still ask the Attorney General to tighten it up and let us introduce an amendment at the committee stage which would define the qualifications of someone who would be appointed as a coroner under this legislation. I hope the Attorney General has taken note and that he will be reasonable for a change.

Again, I have to return to the contribution of the Member for Tabaquite who made the statement quite correctly, that his Government is doing what the previous government could not do. He is absolutely right. The previous government could not sit down in the Cabinet and take credit for actions of another administration. We could not do that. At least, we had some principles. May I reinforce the point made by the Member for Port of Spain South, in

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dealing with this most important question of crime which is pivotal to the whole question of a coroner's inquest, the whole question of making the police more comfortable, so that they will perform their duties diligently at a coroner's inquest. Let me put into the record that the *Trinidad Gazette*, dated October 18, 1995 increased the cost of living allowance for part-time monthly-paid employees and also the Trinidad and Tobago Police Service Social and Welfare Association indicated that the Chief Personnel Officer had given the finance branch the authorization to effect payments of increases in meal and house allowances, and Cola retroactive to August 1995. It was in effect the former administration which introduced the measures to make policemen more comfortable and the date of implementation has simply come into effect. *[Desk thumping]* It is the PNM administration that indicated that Cola would be increased. It has simply come into effect now because that was the agreement at that time.

I simply wish to say that the PNM administration would not have resorted to the shameless taking of credit for the work of previous administrations. That is all this so-called Government of national unity can do. That is, to get up and take credit for the work of the PNM. Everything they say, everything they do is, in fact, the work of the People's National Movement. *[Desk thumping]*

3.50 p.m.

The Member for Tabaquite spoke about what this Government is doing for the economy. I heard the Member for Couva North on television talking about his Government being responsible for the 1995 credit rating of Trinidad and Tobago which is based on investigations in 1994 and 1995. That is all the work of the PNM but that hon. Member for Couva North took credit for it and many other things.

In his haste to introduce a barrage of legislation into this House—as I said, so that he can build his *curriculum vitae* when he demits office soon from now, he can say he brought so many Bills in six months—he still refuses to accept that there must be a holistic approach to this whole question of fighting crime. It is all very good to introduce Bills in Parliament to improve problems which have existed for a long time. If one does not have the tools or the wherewithal to implement the new legislation, then it would be worthless.

I make this point because at the present time a coroner's inquest is held in a court house. I pose the question to the Attorney General, under this new dispensation, where will the coroner's inquest be held? As I said, it resembles a

preliminary inquiry. There should be a witness box and pieces of physical infrastructure which belong to a court house. Until new court houses are built or facilities are made available for the holding of inquests in places other than court houses, then this Act would be useless. What is the point of appointing 100 new coroners and there is no court house in which to hold a coroner's inquest?

The point is that if one goes to the magistrates' court on any given day—there are so many legal luminaries on the other side—there might be 50 or 100 matters before the magistrate, many of which are systematically adjourned. The inquest matters are more often than not adjourned and the magistrates deal with other matters. The fact of the matter is that at the present time an inquest is held in a court house. I hope the Attorney General has plans to build many court houses in the near future or to create the situation which would allow coroners' inquests to be held. Even if other facilities are made available they would have to be modified and refurbished.

This is why we bring this question about the holistic approach to law making. There is no point in putting laws on the books if there is no physical infrastructure, no machinery and no bureaucracy. I hope the Attorney General takes this in the spirit in which I am giving it. I am trying to help him.

The Member for Barataria/San Juan pleaded a case of higher fees for doctors. He was walking a very thin line. He could be accused of unethical conduct because one should not come into this House and plead one's case. I know that he did not mean anything by it. It was not intentional. He is an honourable man; one of the few honourable men on that side. I truly believe that. I would just ask the Member for Barataria/San Juan not to give rise to accusations that one is coming into this House to plead one's own case.

Dr. Khan: Member for Diego Martin East, I was not pleading a case for me because I am not a government doctor. I was making mention of the plight of my colleagues in the government department.

Mr. C. Imbert: I thank the Member for that clarification. This is the point I made. *[Interruption]* I beg your pardon. Mr. Speaker, if the Members on the other side were listening they would have heard that the point I made is that he was walking a thin line, but because he is an honourable man, I saw no wrong intent in his presentation. I am grateful for the clarification. Those on the other side believe that we on this side think that everybody over there is a scamp. We do not think so.

Mr. Assam: Unparliamentary!

Mr. C. Imbert: I said that we do not think so. I did not call anybody anything. I hope the Member with the first three letters in his name would learn parliamentary techniques in due course.

I am happy that this Bill is before the House. It is more or less a good Bill. It flows from the *Gurley Report* commissioned by the People's National Movement. It is the culmination of work done by the People's National Movement. I tell the Members on the other side that any legislation which they bring that flows from the work of the People's National Movement, once it does not vary in any significant way from our philosophy and intent, they will get our wholehearted support.

This Bill flows from the *Gurley Report* and therefore we support it conditionally because we wish to deal with this whole question of qualification. The question of remuneration raised by the hon. Member for San Fernando West is also very important. Whenever remuneration is not defined and people are retained by the state to provide services such as that of a coroner, if the question of emoluments which is salary, gratuity and honorarium is not properly defined, there is the question of interpretation.

There have been many instances in the past where many distinguished citizens have performed services for the state and because their terms and conditions of engagement were not properly defined beforehand there have been disputes, sometimes quite acrimonious, about how much they should be paid for providing these services. I ask the Attorney General again to look at that. One may say that as a suggestion, the terms and conditions of engagement of coroners under this Act shall be determined by the Salaries Review Commission. That is a suggestion which I have and he may wish to consider it at his leisure.

4.00 p.m.

I want to make the point that this whole question of inquests is very important. Many murders have taken place over the past years and families have been distraught. Persons have been on charges and because inquests have not been held the whole question of guilt and innocence is up in limbo. A famous case is the killing of Selwyn Richardson. This is a matter with which the hon. Attorney General is well acquainted, since he was counsel for the defence in a libel suit where Selwyn Richardson had sued a certain newspaper. Mr. Richardson was murdered at his home; the libel case was dropped because, as the

legal luminaries among us know, there can be no libel against a dead man. This was very beneficial for the defendants in that case. *[Interruption]* I did not call any names. If we had a speedy process of inquests, by now we would have found out who killed Selwyn Richardson, the friend and colleague of the Member for Tobago East.

If we had more coroners and more facilities for the holding of inquests, and could hold inquests more speedily, we could have an inquest into the killing of Clint Huggins. That is an important case where the witness was murdered. So, this whole question of improving the framework for the appointment of additional coroners will deal decisively with the whole question of crime and punishment. For example, if we knew who killed Clint Huggins, perhaps we would know whose names were on the list that Brigadier Brown submitted to the Prime Minister before he was summarily fired. If inquests took place speedily, there would not be as many clouds over people's heads, where there are persons accused of murder or conspiracy to murder and the inquest is taking years.

Mr. Speaker: Member for Diego Martin East, I want to say that, as is my duty, I have been following very closely the line of argument which you are putting forward. A Member does have a tremendous amount of latitude when speaking in the House, but one has to be careful in terms of the line with respect to things which could be considered scandalous and also, with respect to things which could be considered repetitious. You are highlighting a number of cases, as indeed you have done in previous debates. It is a clever way of writing into the record certain things. I ask you to watch the question of repetition. You are doing it and are on the line which divides decency from scandal.

Mr. C. Imbert: Mr. Speaker, I am grateful for your very wise ruling. In fact, I had intended, before you rose, to close that section of my presentation and move on to other areas.

Before I close, let me say that the reason I support this Bill, in principle, is that we really have to do something about the interminable delays between the killing of someone, the inquest, the findings as to whether there should be a preliminary inquiry and, after the preliminary inquiry, whether it should go to trial. I am giving examples because these examples are in the public's eye and they will understand when these examples are raised.

We all agree that we have to do something to speed up inquests because if we do not, there will be negative effects. The Member for Baratavia/San Juan made the point about the trauma families endure when there has been an unlawful

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killing and the matter drags on for years. Every time the family comes to court, it brings back painful memories. An example is where the child was hit by a truck. I empathize with the mother in that case. This is why I raised those examples and I thank you for your latitude in allowing me to do so.

I hope, Mr. Speaker, that the hon. Attorney General will not get upset in his usual way when examples are raised of cases in which he has been involved. *[Interruption]* I would ask him not to respond. Many sayings like, “Methinks that the man doth protest too much”; or, “One has a guilty conscience” comes to mind. Do not bother to respond. The Minister will only draw attention to himself.

I hope that the Attorney General will listen very carefully to the point that is being made about qualifications—*[Interruption]* I have to repeat it because we have come to this House and made reasonable and measured arguments to improve the laws brought by the Attorney General and he has ignored us. It goes to the Senate and comes back with improvements that we had asked for. For example, the Member for San Fernando West had recommended that rather than 12 additional jurors, they could perhaps have three, four or five additional jurors, and the Member for Couva South was at pains to try to represent to this House that that was not so. I hope that as time goes by, he will stop being so arrogant and listen to the points that we on this side make.

4.10 p.m.

We ask the Attorney General to also try to adopt a holistic approach to the whole question of law and order. Mr. Speaker, once the amendments are made to this legislation, along the lines that we have suggested, we will wholeheartedly support it. I hope that on a future occasion we could come to this Parliament and agree, in principle, and that the Government would listen so that we would not have to descend into acrimony, bantering and so forth.

I thank you, Mr. Speaker.

The Minister of Health (Hon. Dr. Hamza Rafeeq): Mr. Speaker, I join this debate to support this Bill to amend the Coroners Act, Chap. 6:04. Before I make my contribution, I would like to make reference to a statement made by the Member for Port of Spain South, when he complimented the Member for Barataria/San Juan for raising the issue of training. In accepting the compliment on behalf of the Member for Barataria/San Juan, I would like to inform the Member for Port of Spain South that that is the Member for Barataria/San Juan’s

profession. I think that will be of great benefit to some of the Members on that side, now that there is a pre-occupation with ladies of the night. *[Laughter]*

The Member for Port of Spain South also said that today would have been an excellent opportunity for the Government to give some indication as to what it is doing about training; today would have been an excellent opportunity to tell this honourable House what we are doing to address the issue of the Forensic Science Centre. In today's *Trinidad Guardian* and *Daily Express* there are articles stating that we would have 741 more policemen, and he said that this is politicking. Mr. Speaker, I do not know exactly where the hon. Member stands on this issue. He said that we should address it, but when we do that he says that we are engaging in politics.

The Member for San Fernando West and other Members on that side mentioned that there is no provision in the Bill for a legal person to be appointed as coroner, all that is said is for persons other than a magistrate. Mr. Speaker, my understanding is that the Judicial and Legal Services Commission can only appoint persons who have a legal background. The Members on that side have alluded many times, to preliminary inquiry instead of preliminary investigation and there is a difference between preliminary inquiry and preliminary investigation. Preliminary inquiry has a special definition in law and it is an event in which witnesses are called. In the case of the preliminary investigation as defined in this Bill, one does not have to go through the process of calling witnesses and so forth, it is done by examining the DMO's report and other relevant documents as submitted to him in relation to that. There is a difference, Mr. Speaker.

Mr. Speaker, the Coroners (Amdt) Bill which we are debating today demonstrates very clearly the link between the discipline of law and medicine. This link has always existed but because of the development of new technologies and new skills in the field of medicine, that link is now being strengthened and so a coroner's inquest relies heavily on the input of the medical practitioner for its conclusion.

This Bill seeks to address three main issues, Mr. Speaker. Firstly, it gives the Judicial and Legal Service Commission the authority to appoint persons other than magistrates as coroners. Secondly, it gives the introduction of a new category of screening before a coroner's inquest, and that, of course, is the preliminary investigation. Thirdly, it addresses the question of remuneration for

district medical officers and pathologists for performing post-mortem examinations.

Mr. Speaker, I would like to take a few minutes to map out the process by which a case reaches the coroner's desk for an inquest. In the case of a person dying there are certain scenarios that take place. The first one is that if the attending physician is satisfied that the cause of death is from natural means he issues a certificate of cause of death. Having registered that death at the Registrar of Births and Deaths the body may be interred. Death from natural causes will include death from the chronic illnesses such as diabetes, high blood pressure, stroke, AIDS and so forth.

The second scenario is that if there has been no attending physician and death has occurred at home, then a local police officer is informed and he summons the district medical officer. From the information received from the investigating officer, the district medical officer, may view the body at the place where the person has expired, or he may order the removal of the body to a mortuary where it will be subsequently viewed. After reviewing the information received from the relatives and the investigating officer, and after viewing the body, if he is satisfied that death has occurred from natural causes he issues a certificate of cause of death; after registering the death, the body would be interred.

Mr. Speaker, the district medical officer shall also be called upon to view the body of a deceased as mentioned in the parent Act in these four circumstances: firstly, if there are grounds for believing that a person has died of an unnatural death; secondly, when such a person dies, while confined to prison; thirdly, where he is directed by the coroner to do so; fourthly, where an inquest is prescribed in respect of such a death.

The third scenario is that if the DMO considers it necessary he may order that an anatomical post-mortem examination be done. Mr. Speaker, I would just like to clarify the difference between a post-mortem examination and an anatomical post-mortem examination. Any examination of the body that is done after death is a post-mortem examination, so viewing the body after death is a post-mortem examination. Dissecting the body and examining the internal organs, also is a post-mortem but it is termed an anatomical examination. In the present circumstances in Trinidad and Tobago, a DMO or a pathologist may perform that examination. For convenience, right now in North Trinidad DMOs are hardly involved in the performance of the post-mortem examinations because of the number of pathologists in that area. In San Fernando, however, the district

medical officers are still involved in the performance of post-mortem examinations.

Mr. Speaker, I would like to spend to a few minutes on the importance of a post-mortem examination because that examination produces the best possible evidence of the cause of death and daily it is becoming a more exact science. These are some of the benefits of a post-mortem examination. In criminal cases the clear ascertaining of the cause of death may reveal evidence of an offence having been or not having been committed. In the case of suicide, though the cause of death may be apparently clear, a post-mortem examination may show that the surmise is ill-founded as well as it might show the presence of some undetected disease which was the cause of an otherwise unexplained suicide.

4.20 p.m.

Mr. Speaker, thirdly, in the case of mentally ill patients, a post-mortem should be done to ascertain whether death was unnatural. If, for instance, there are any marks of violence on the body or the relatives have complained, or there is a death in prison, in an effort to allay public apprehension, a post-mortem examination should be done to ascertain the cause of death.

While a traffic accident may not normally require a post-mortem, a post-mortem examination may sometimes provide an explanation for an otherwise inexplicable accident, that is, a person may have had a heart attack that initiated that accident; a person may have had a stroke that initiated that accident; a person may have had a bout of epileptic fits that initiated that accident.

Another important area is one of stillbirth. A post-mortem examination is likely to provide the most important evidence as to whether a child was born alive or dead and may decide the issue. On the other hand, the pathological findings may be taken in conjunction with the clinical history.

Another instance is one of post-operative deaths. The fact that a person has not survived an operation does not necessarily imply his death was due to it or that any surgical mistake or malpractice occurred. That person may have died from a disease even though death took place during the operation. But this fact can usually be ascertained with exactitude only by a post-mortem examination.

The other case is one of anaesthetic death. This death may not be due directly to the anaesthetic but some other cause.

Then there are the cases of recovering bodies from water. The comment is made here that it has been too readily assumed in the past that when a body is recovered from the water the cause of death is drowning. This assumption is fallacious. It is not uncommonly found that the cause of death was due to a mere shock of emotion. Again, a person may have had a bout of giddiness from high blood pressure; a person may have had an epileptic fit; a person may have had a heart attack, and so forth. These are some of the areas in which it is important for a post-mortem to be done.

Mr. Speaker, according to the existing legislation, after the post-mortem is done the district medical officer submits his report to the coroner and if the district medical officer reports that further enquiry ought to be made then an inquest is carried out. Or, if the circumstances of the case appear to the coroner to render it proper to hold an inquest though the district medical officer does not report that, then an inquest is held.

The amendment is seeking that the coroner screen cases, at this point in time, to determine which of these cases will go forward and have a full inquest and which of these cases will not need to have an inquest done. If after the coroner has done his preliminary investigation—and that is defined in the amendment that has been circulated to mean the examination of the report of the district medical officer and of other relevant documents submitted to the coroner—he decides that there is no need for further examination, then he does two things: one, he gives his findings in open court to all the interested parties; secondly, he transmits a report of the proceedings to the DPP who may decide on his own to recommend an inquest. If, however, after the preliminary investigation the coroner is of the opinion that further examination is necessary, then he shall hold an inquest in accordance with the Act, and of course the inquest itself may have more than one outcome.

The aim of all this is, to determine the cause of death and the circumstances surrounding the death of an individual. The idea is that the law enforcement agencies and even the public must be satisfied that there is no foul play involved and that no crime has been committed. There are certain cases at one end of the spectrum in which an inquest must be held and then there are cases at the other end of the spectrum in which an inquest need not be held. However, between these two extremes is a range of cases which fall into a grey area and which may or may not necessitate an inquest to be held. The preliminary investigation is put

as a mechanism for screening these cases to determine which cases will go on to have a coroner's inquest and which may not.

In the existing Act, that is determined primarily or, to a large extent, by the district medical officer himself, but the district medical officer, while he is medically trained is deficient in legal training and so he is not in a position to do proper screening. What usually happens is, that he errs on the side of caution and sends most of the cases to have a coroner's inquest. Mr. Speaker, that may not happen because the decision to have an inquest will now be made by the coroner himself.

Mr. Speaker, I will conclude my submission in about five minutes. Allow me to give a few examples. The DMO may report for instance that after an anatomical post-mortem examination that a person has died from drowning and he refers that for an inquest. Such a case which he refers automatically for an inquest, as I said, may not need to have a coroner's inquest done at all, and after the preliminary investigation that can be dismissed.

The same issue with food poisoning. The DMO may decide that a person has died from food poisoning but after a preliminary investigation it can be gleaned that there is no foul play and that does not need to go for a coroner's inquest.

Mr. Speaker, this Bill works both ways, in that while it speeds up the process of a coroner's inquest it does give protection and comfort to the population. The district medical officer, as I said, will now feel more confident in his judgment that when he submits the report to the coroner a preliminary investigation must take place and if the coroner is of the view that there is no need for a coroner's inquest that still has to go to the Director of Public Prosecutions who may determine otherwise.

Mr. Speaker, I think all of us and the population recognize the need to speed up the system of inquest. My information is—this is subject to correction—that there are more than a thousand cases of unnatural death every year. In 1993, 171 cases of inquest were completed; in 1994, there were 310 cases of completed inquest; in 1995, there were 315 cases. Mr. Speaker, at that rate we will never catch up and something needs to be done to speed up the process of coroner's inquest. That is what this Bill seeks to do.

4.30 p.m.

I should just like to mention one thing and that is a case in which the public is disadvantaged when a coroner's inquest takes very long. There is the case of an individual who has life insurance of a double indemnity nature. If he should die as a result of a motor vehicle accident, his relatives would receive only half of the payment and the rest is deferred until the conclusion of the coroner's inquest. Sometimes that can take from three to seven years and the relatives of that person are denied that sum of money. When the insurance company eventually pays, it does not pay any interest, and so the value of the money the relatives get is much less than they normally would have gotten. Mr. Speaker, by speeding up the process, at least this part of the injustice will be addressed.

Mr. Speaker, I commend this Bill to this House and I am happy to note that the Members on the other side have supported this measure.

Thank you very much.

Mr. Speaker: Hon. Members, the sitting is suspended for 30 minutes.

4.31 p.m.: *Sitting suspended.*

5.02 p.m.: *Sitting resumed.*

Mr. Fitzgerald Hinds (*Laventille East/Morvant*): Mr. Speaker, I enter into this debate to make a short, and I am sure, useful contribution. I listened to the debate as it rolled over and unfolded and benefited greatly from some of the contributions, at least from the other side, particularly, the contribution of the Member for Caroni Central, which was solid, full of fact, informative and must have advanced this debate considerably. [*Desk thumping*]

Mr. Speaker, my colleague, the Member for Port of Spain South, practised parliamentary protocol by complimenting the Member for Baratavia/San Juan on his maiden contribution. I, too, would like to sincerely compliment him on his maiden input. [*Desk thumping*] That, too, was solid and useful indeed.

Mr. Speaker, as has been indicated by every contribution from this side, we support the purport of this Bill, as usual, in principle. We are fully in accord with the spirit of the legislation, the purport and the meaning of the Bill. However, in fulfilling our obligation as an honourable Opposition, we must point out deficiencies for the sake of the people of Trinidad and Tobago because we aspire here to make good law.

As I have indicated earlier, we would not be put off from pursuing that very noble and solid objective. When I stand here that is my purpose and function. That is the way we operate.

Mr. Speaker, we have made the point over and over again that the question of the qualification of the persons who would be appointed as coroners is critical. It was suggested by a Member on the other side—I cannot remember exactly who it was—that it would be folly since the Judicial and Legal Service Commission appoints lawyers anyway. I suggest that the Member take cognizance of the fact that the commission appoints lawyers yes, but it appoints lawyers with varying degrees of skill and expertise depending on the task for which they would be employed. So that if one has to be employed as a mere state counsel he need not have experience; he can come in merely with his legal qualifications—bare-backed. But, if one is to be appointed as a magistrate or a judge, then different conditions of employment would apply. So that if one is to be employed as a coroner, it is important to take into account the requisite experience, skill and training which I am sure the Judicial and Legal Service Commission would recognize.

Mr. Speaker, in today's world it is not necessary to be a lawyer to be a coroner. With advances in forensic and scientific practices, and observations, one need not be a lawyer to be a coroner. So that the real question would always be the skill and training—the ability, in short—of the person to be appointed. We feel it is important to make mention of that in this legislation. We appeal to the Government—the Member for Couva South who is in the Government—to take note of this. *[Laughter]*

Miss Nicholson: Sit down. I used to be nice with you. Sit down.

Mr. F. Hinds: Mr. Speaker, I am hearing the Member for Tobago West express dissatisfaction at my sentiment, but she knows the truth and she recognizes the truth.

Miss Nicholson: What is truth?

Mr. F. Hinds: She understands that she has been lured and she has become a party to something that she is now terribly ashamed of. *[Laughter]* And, at the earliest opportunity the people of Tobago West would relieve her of that onerous obligation. *[Laughter]* Her votes fell significantly in the last election, Mr. Speaker. She must take note of that. *[Laughter]*

Miss Nicholson: Time would tell. We would be meeting soon. We would meet not too far in time.

Mr. F. Hinds: Mr. Speaker, the Member for Tobago East has just come in and I am sure the same terms apply to him.

Mr. Speaker, more coroners would obviously mean more inquest hours and more inquest hours would logically mean a reduction in the backlog that we face in Trinidad and Tobago. So for that reason and others we welcome it. But it is important to note that during the UNC's election campaign—the one that they boast put them on that side of the House—they made many suggestions and much heavy weather of the “supposed fact” that it was the People's National Movement administration that impoverished the people of the country; that was the cause of crime; that was responsible for the mismanagement and the failure to educate the nation's children and the “alleged” failure to provide housing. All of these taken together were responsible for the level of criminal activity in the country.

Mr. Manning: As they so do.

Mr. F. Hinds: They are in a position to know because they are, of course, exposed as many persons around the country.

Mr. Speaker, yet we see in this House, almost every piece of legislation—apart, perhaps, from the budget—that has come before this House, seeks to make the system of justice more efficient and more effective. It is as if the philosophy of the Government is swift, short and sharp justice. Lock them up! One would think that they would have come to this House time and time again for the short while they have been in office—it seems like a long burdensome time, but it is a few months—with social measures similar to our proposed development programme around Port of Spain hoping to create employment for the people in the community. The Member for Tabaquite spoke about the constituents of Laventille East/Morvant, and that I must pay attention to them. I am privileged and able to respond because he broadened the terms of the debate accordingly. I want to tell the Member that I do pay attention to them, but it is the people of Laventille East/Morvant who expected employment as a consequence of the mindful and thoughtful programme of development that we had planned for the city which the Government has abandoned totally.

5.10 p.m.

The people would always be told about this and they are not foolish as the Member thinks. In fact, I am very concerned. If I should ever hear that the

Member for Tabaquite is coming to any school in my constituency, I would warn the people to prepare themselves for it. The Member for Tabaquite spoke about my political leader, the Member for San Fernando East, and I would not want to quote him. I will never bring myself to that. Let me paraphrase. He said the Member for San Fernando East was walking all over the country, words to that effect, but the Member for Tabaquite too, has been going all over the country, except that he is leaving behind him a sad and sorry trail and tale. The Member, I understand was reading from a document today with great difficulty. He was reading to a group of school children somewhere and trying to say shifting paradigms, making reference to shifting “paradigms.”

Sadly, the media that they have tried to confuse, “confoffle”, ban and silence, was there, and I sat before my television expecting to see reports of it but none came. Perhaps, for obvious reasons and perhaps another “paradigm.”

No wonder why as we engage in this debate about improvement in the Coroners (Amdt.) Bill, we have to take into account that all of this is really designed to bring relief to the people of Trinidad and Tobago, to make the operations of the society swifter and happier. But while we engage in these pseudo-intellectual debates and matters of legal and national concern, I will report to this honourable House that I witnessed an event this morning that ran chills up my spine. This is very important, though it veers off the debate marginally, but it is our business to be aware of what is happening in the nation. It has particular relevance to the claims made by the Government and the legislative package that is coming, where it appears that the philosophy is to make the system of justice more incisive and more efficient to lock up prisoners, but no measures to bring relief by way of employment or by way of better social circumstances for those in need.

I was at the Magistrates’ Court in Port of Spain and it transpired that a young man who was put in a cell is alleged to have committed a murder in our country and he found himself in there with members of the gang that he offended with that shooting. I was there. It was a dirty, hard fight. I mean the police intervened with the greatest difficulty and saved the young man from death. If that is the way some of the persons in our society behave in a precinct with so many police officers present, one wonders how they would behave where that kind of presence is not as forceful.

This is the point. This Government blames the People’s National Movement for all of that and to this day, precious little has been done to deal with some of

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those problems. In fact, all the present Government wants to do is to lock up more people and convict them.

Mr. Speaker, I crave your intervention.

Mr. Speaker: Hon. Members, the Member for Laventille East/Morvant is on his feet and he is entitled to be heard uninterrupted.

Mr. F. Hinds: Mr. Speaker, I am entirely grateful to you for your line of defence. I very much appreciate it.

The Member for Princes Town is one of those trying to distrust my presentation. I should like to know whether the Member would take positive measures to make the distribution of state lands much more accessible to some of the people he speaks about in my constituency.

Mr. Speaker, I know you would regard this type of intervention as an aside; it truly is, but I shall continue notwithstanding.

This Government has no social programme to deal with the problems that I have highlighted, but we have become very familiar with the improvements they proposed to the Jury Act, the Evidence Act, the Supreme Court of Judicature Act and many other Acts. And interestingly enough we make recommendations for amendments in this House, as the Member for Diego Martin East pointed out. We do so today with this Bill, but no serious attention would be paid to our recommendations. The records will show this. Only today I received a list of amendments from the Senate with the exact terms that we argued on this side, on some of the very Bills, for example, the Jury (Amdt.) Bill.

When the Evidence (Amdt.) Bill got to the Senate, the recommendations we made on this side of the House were treated fleetingly and dismissed in a whimsical manner, yet there are further amendments. What an exercise in time wasting and yet the Government speaks of efficiency and effectiveness. They are trying to fool the country, but it is a thin disguise. We have seen through it; we have removed the mask time and time again and we will expose them to the nation, particularly Tobago.

Appointing more persons to act as coroners, as I indicated earlier, is of extreme importance. Of course, there must be guidelines, and one must make the guidelines rather clear because this is a society that is not unknown for strange happenings, even when there are guidelines; whether it is the appointment of a person as a state counsel or as a magistrate.

Today, when we are arranging legislation for persons to be appointed, we have to be concerned about nepotism. Take for an example a legal firm in South with, to my knowledge, precious little corporate experience. I am advised that it has secured a contract with the NGC for some \$50,000 per month. Perhaps, a clear case of nepotism; a matter that you will hear about inside and outside this Parliament in due course.

Mr. Speaker if any one on that side could assist with information, we crave that they share it with us this afternoon.

The Member for Port of Spain South made what was indeed a rather powerful and useful contribution to this debate. I wish as well to applaud him as my brother, a friend and as a member of the People's National Movement.

While he was speaking a Member on the other side made a fleeting remark about "ladies of the night". The Member, representing his constituents, doing the job that those people elected him to do, sought to alleviate the problems of the residents of that area in Woodbrook. He decided to call on the Minister of National Security to deal with this social problem, this scourge. Mr. Speaker, I am getting quite a few asides. If you would assist me again, I should be very grateful.

Mr. Speaker: Hon. Members, I am sure that it is not absolutely necessary for me to remind you that we listen in silence.

Mr. F. Hinds: Mr. Speaker, I am very grateful yet again. Then we heard disparaging remarks about the Member's efforts to serve the people who elected him. What was noteworthy was that the Member for Chaguanas whose responsibility that problem might also fall under, did not take it lightly. I observed that he remained rather serious and concentrated on the points made by the Member.

5.20 p.m.

As I indicated, mine would not have been a rather long contribution to this debate. In closing, I wish to explain that if the Members on the other side have difficulty in understanding that, notwithstanding all their efforts, I am sure the Member for Couva South—I say this in sincerity—is confident that he is trying his best to improve the circumstances. But, 2,000 years of history cannot be wiped away so easily. This is a House that has become very familiar with the Member, not as a lawyer, but making pronouncements on one side, and which as

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I have indicated are diametrically opposed to those on the other side. This is why we say January. It is about trust and confidence.

The question about equal opportunities is a Bill which we can anticipate. I urge the Government to come forward with that very quickly. That too, we will agree with in principle and we look forward to its coming before this House. We are afraid that if it does not come sooner rather than later, the horse would have left the stable and the damage would have already been done. Some sections of the society would have been so terribly displaced by then, that that legislation would have been of no effect. I applaud the Government for continuing the initiative which we have put in place.

As I attempt, with disturbances, to close my short contribution, I wish to confer with the Member for Port of Spain South who produced two documents to demonstrate that claims made by this Government are unfounded, and no credit should be ascribed to them. This is quite clear. I am sure that the officers of the Special Reserve Police have not received salaries for the month of March, yet this Government claims to be so caring. It has said that so many officers are to be appointed and there is an increase of meal and house allowances. Those are matters on which we deliberated and decided. They went to the newspaper which they tried to shut up and said that Cabinet agreed. Which Cabinet?

Thank you.

The Minister of Legal Affairs (Hon. Kamla Persad-Bissessar): Mr. Speaker, we on this side are forever gracious. We will not take credit where it is not due to us. We will be unflinching in giving credit where it is due. That is why we on this side can stand when the Member for Diego Martin East asked for credit for the PNM.

I have no difficulty in giving credit to the PNM for the things that are due to them. This side will give credit to the PNM for the 30 years of corruption and mismanagement in this country. *[Desk thumping]* This side will give credit to the PNM for the unemployment position in this country; the poverty levels in the country after 30 years of PNM rule and the escalation of crime over the past few years. We would give credit to the PNM— *[Interruption]* Do not include the Member for Tobago East in this. He had no part in that. You have asked for credit to the PNM and I am giving it to the PNM. They do not want credit now.

Mr. Speaker: Hon. Members would tell me when I could, I get a little chance to put in a word. It is only fair to allow the Member to make her point. One may not agree but one would have a chance to reply afterwards.

Hon. K. Persad-Bissessar: Thank you for your intervention, Mr. Speaker. It is always so strange that they keep begging for credit and when we are giving it to them they do not want to hear us. We will give credit to the other side for the days of O'Halloran right down to the days of the Farmland mishap. We will give the Member for Diego Martin East credit for the corruption that we found in the Ministry of Works and Transport.

Mr. Imbert: On a point of order. Unless the Member clarifies Standing Order No. 36, I consider this to be alleging improper motives.

Mr. Speaker: Hon. Member, you said that you rose on a point of order claiming that Standing Order No. 36 has been infringed. Which subsection? *[Interruption]* I am speaking to the Member for Diego Martin East. If he needs the assistance of anybody he could ask for it.

Mr. Imbert: Mr. Speaker, I believe Standing Order No. 36 (5) refers to the imputing of improper motives. The Member alleged that I was responsible for corruption.

Mr. Speaker: I rule against you. That cannot be sustained. Standing Order No. 36 (5) states:

“No Member shall impute improper motives to any other Member of either Chamber.”

She was talking about the Ministry.

Mr. Imbert: No. She called my name.

Mr. Speaker: Hon. Members, there was so much noise that many people could not hear, but I understood the Member for Siparia to say that the Member for Diego Martin East should have been concerned about the corruption in the Ministry of Works and Transport. I have a particular interest in the Ministry of Works so I was listening. If indeed that is what was said, I rule that your point of order is not sustainable.

Hon. K. Persad-Bissessar: We can also talk about the corruption in the Ministry of Public Utilities with respect to WASA. We can go through the list and we are willing to give credit where it is due, therefore, we give credit to the

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PNM for the *Gurley Report*. They have asked us to give them that credit and we give it to them. We have no difficulty with that. Like every report that they commissioned, it sat there from 1992 and they did nothing about it. They come here now and want to get credit for speeding up the administration of justice because of the *Gurley Report*.

5.30 p.m.

The question is: Why did they not implement any of the recommendations if they were so concerned and the matter was so important? We come with legislation to implement the *Gurley Report* and they are saying that there is no holistic approach in our legislation. If they read their Bills they would see that there is a holistic approach. That approach is, first of all, to deal with the administration of justice. We inherited that system, but they knew about it since 1992. The *Gurley Report* spoke of the intolerable delays that existed in every part of the administration of justice with respect to the Magistrates' Court, the High Court and the Coroners' Court. It was no secret to any of them. They did nothing about it. They brought the *Gurley Report* to this House, but never allowed it to be debated. The only time that matter came up for debate was when the Member for Couva South brought a motion on the administration of justice where many of those matters were dealt with. We give them credit for getting the report done, but they never implemented the recommendations.

It was the same thing with respect to employment. Members will recall the massive employment symposium that was held. What was done after that? What recommendations did they implement? If they want credit that is the credit we can give them, but we cannot give them credit for taking steps to speed up the administration of justice. That is what we have been doing.

At page 64 of that 1992 report, the situation with respect to coroners' inquests was described by the Gurley team as being intolerable and having to be addressed immediately. In his introduction, the hon. Attorney General spoke about the recommendations made in that report, but from the time the then Government presented the report until elections were called last year, none of the recommendations was implemented.

The question of delays in the administration of justice has been raised in this House on many occasions, not by that side, but by the then Opposition. On December 4, 1992, the then Attorney General, Mr. Sobion, in response to

requests for a debate on the *Gurley Report*—and by that time it had been in existence for six months, said:

“What we are concerned with is implementing as quickly as possible, those measures which are non-controversial and which can be implemented as quickly as possible so that some immediate relief can be brought to the system.”

After that we waited and waited and no action came from the PNM to implement those recommendations. Ten months later, on October 29, 1993 in response to a Private Member’s Motion brought by the Member for Couva South on the administration of justice, Mr. Sobion, the then Attorney General, had this to say:

“It is one thing to establish a team to make recommendations, but it is a completely different thing to take steps in a reasonable way to implement those recommendations.”

That is what this Government is doing. The report had been completed for almost two years. The Minister of Information, Sen. Gordon Draper, one week after those two young mothers were brutally murdered in Westmoorings, said with respect to the PNM’s record on crime and the administration of justice that it was not that the report was introduced, received and thrown around, but that it was actively being implemented by a team specially put together, to focus on the matter of the management of the justice system in this country.

As I said before, up to the elections in 1995, no steps had been taken to implement any of the recommendations in the report despite the protestations of the then Minister of Public Information and the then Attorney General that they were busy with a team implementing the recommendations of the *Gurley Report*. If we look at the existing Coroners Act, Chap. 6:04, we would see that the last time anything was done to this Act was in 1979, which means that this Act has been in this form for 17 years, despite what was happening with coroners’ inquests in the system of justice in Trinidad and Tobago.

The parent Act sets up a scheme for enquiring into and adjudicating upon unnatural deaths which are defined in the Act. The hon. Attorney General has

read those sections out for you. By section 3 of the principal Act, every sitting magistrate is potentially a coroner for any part of Trinidad and Tobago.

The Member for Diego Martin East never ceases to amaze me. The very Member who could not pronounce the words “puisne” and “remuneration” comes to this House and purports to educate in terms of pronunciation. He comes to this House and seeks to be so arrogant by pretending to teach pronunciation to this side of the House. He who has been in this House for so long abused a relatively new Member when he made his contribution to this House. Mr. Speaker, I was most surprised and would have thought better of the Member for Diego Martin East.

Each week he comes to this House with the most far-fetched allegations and when we speak he jumps up on points of order. He makes allegations against the hon. Attorney General. It is no wonder that there are those who feel that the Opposition has totally lost its way and the Leader of the Opposition is wandering lost around the countryside. It is no wonder when he came to the House today, he told us that a deputy is really essential. He has only now discovered this about the deputies whom he got rid of. He stands alone. *[Interruption]* That is why I said the Member for Diego Martin East does not really know what he should say and should not say in this House.

Mr. Speaker, section 4 of the principal Act requires that anyone aware of an unnatural death must report it to the DMO. The recently criticized section 4(2) prevents the moving of the body prior to the DMO seeing it, except in circumstances where the DMO cannot immediately get to it.

By section 5 the DMO has the option of making an examination of the body as the Minister of Health has so ably spoken about, after which he can prevent its burial or give an order allowing it.

Section 9 of the parent Act requires the DMO to report the cause of death to the coroner and under the existing section 10, the coroner has the option of holding an inquest if the DMO suggests a further inquiry; or, by section 10(b), holding an inquest of his own if he feels the circumstances of the case warrant it.

By section 12, the coroner has the power to hold an inquest where a body lies within his jurisdiction and he believes the person died an unnatural death even though there is no report from the DMO. Under sections 20 and 31 of the existing

Act the scheme provides for a judicial inquiry in a coroners' court with depositions being taken from sworn witnesses and other material evidence being adduced. The coroner will then decide whether to issue a warrant for prosecution, or to certify to the Commissioner of Police that the guilty party is unknown and then transfer the proceedings to him. *[Interruption]* If you have patience you will find out—whether to certify to the DPP that the guilty party cannot be found after first transferring the proceedings to the Commissioner of Police for investigation. Finally, in section 31 where the coroner finds that there is no ground for suspecting anyone is guilty of an indictable offence, he may certify this opinion to the DPP and transfer the proceedings to him.

5.40 p.m.

The amendments to the Bill before the House make a substantial change in the options available to the coroner under the clause which amends section 10. The new clause 10 makes for the preliminary investigation which would have the effect of avoiding, in fixed circumstances, a full inquest that would therefore allow a saving, as it were, of court time and the magistrate's time. Mr. Speaker, this is a step that would clearly go a long way in terms of speeding up the administration of justice.

Over the years there have been several reports, again commissioned by the previous PNM administration, which have spoken about making changes to this legislation. As early as 1968 there was a Ninth Report of the Law Reform Committee which dealt with the Coroners Ordinance which was submitted to the then Attorney General. Their view of the existing arrangements to the ordinance was:

“Our investigations clearly reveal...The magistracy and police departments have grown apart, with the magistrate now being a purely judicial officer. The DMO or the police authority is informed of the death and each is undisturbed and unsupervised in the carrying out of his functions, and the magistrate/coroner then comes into the picture months or even, at times, years later, at a period of time when no useful contribution to an investigation can be made...

It is of the essence to the coroner's office that he should be able to exercise some independent authority in the conduct of enquiries, and that his inquests should follow swiftly upon the event if there is to be much practical

value in his enquiries. It must be emphasized that unless the coroner's duties are exercised with the utmost dispatch, they are virtually useless."

Mr. Speaker, that was the report from 1968.

At page 15 of the report, the committee recommended that the number of magistrates be increased in the Port of Spain and San Fernando areas, since many deaths occurred at the hospital, the causes of the deaths, arising elsewhere but taking place at Port of Spain.

They also proposed something similar to clause 4 of the Bill before the House today. Clause 4 of the Bill repeals the existing section 10 of the ordinance, replacing it with this new clause 10, which states that, after the coroner receives the DMO's report he could hold a preliminary investigation into the cause and circumstances of death, after which, he may, in open court, declare that there is no need for further inquiry. Alternatively, he may hold an inquest and in case he decides that there is no need for further inquiry he sends it to the office of the DPP. The DPP then has the jurisdiction and the power to determine that an inquest should be held in certain circumstances."

This new provision, Mr. Speaker, would clearly then increase the number of cases of unnatural deaths disposed of by the coroner, since where there is clearly no suspect in a case, the coroner can notify all interested parties and then make his findings in open court and dispose of that case. The 1968 recommendations have taken 28 years to be implemented and that is within the Bill which is before the House today—28 years later. Mr. Speaker, the advice of the Law Reform Commission was never followed from that report.

The next report which deals with the coroners was the report in 1975 of a commission which was set up to deal with the machinery and administration of justice in magisterial districts. That report is known as the *de la Bastide Report*. In that report they examined the magisterial justice system generally, and the commission recommended, in respect of coroners, that three should be appointed for the entire island and that they should sit, by agreement, at the Magistrates' Court within whose jurisdiction the person had died. They did suggest that persons with legal and medical qualifications could be appointed, even though the legal qualification and experience might not permit that person to be a magistrate.

Page 22 of this report deals with backlogs and delays. I quote:

“...the uncertainty as to whether a Coroners’ Enquiry placed at the end of a Magistrates’ Court List will be dealt with on the day for which it has been listed does nothing to encourage the Police and serving officers to make real efforts to have all witnesses served and ready and willing to testify.”

The fate of that report, Mr. Speaker, as I said before, was put away, forgotten, and nothing was done by the PNM government after 1975 to improve the increasing delays and backlogs at every level of the system. Again, in spite of their protestations between June 1992 and 1995, very little was done in terms of modernizing and improving the administration of justice in this country.

Mr. Speaker, through you, I would like to remind Members of the House of the steps that this Government has taken since coming into office in terms of implementation of the major recommendations of the *Gurley Report*. Among the recommendations made by the Gurley review team was that a new division of the Court of Appeal be created, and as the Member for Tabaquite has already pointed out, shortly after this Government came into office we took steps towards having that recommendation implemented.

In addition, the Gurley team recommended that more High Court judges should be appointed. Again, we took steps towards having moneys budgeted for that and then the Attorney General brought the Supreme Court of Judicature Act to this House to amend it to allow for the creation of those positions. Further, the *Gurley Report* recommended that there be more magistrates. Again, on coming into office we took proposals to Cabinet for positions of 12 more magistrates to be created and those positions have been budgeted for and have, in fact, been created.

Mr. Speaker, in the 1996 budget, as well, we have made monetary provisions for—we are not just saying that we have created the provision—that new division of the Court of Appeal and the support staff. What is interesting for the first time, is that when we made the provisions with respect to the magistrates, we also made the provisions with respect to books and materials—moneys which were budgeted, for magistrates to have books and materials. As far as I understand, Mr. Speaker, this is something that has never been done before.

Mr. Speaker, it meant then, the elevation of three High Court judges to Appeal Court status as well as the recruitment of three additional High Court judges to take their places. In addition to these three new High Court judges,

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posts have been created with the appropriate support staff so that they could function effectively and efficiently.

With respect to court buildings, several new courts have been budgeted for and perhaps the Attorney General may point out some of these to Members. There are new magistrates' courts, or upgraded facilities which will be provided at Tunapuna, Chaguaramas, Tobago and Diego Martin. In addition to these measures, legislation has been brought to this House—and the Member for Tabaquite has already mentioned what it is—which goes to the root of the delays in the administration of justice and deals with those problems.

Mr. Speaker, I am very pleased to support this Bill.

Mr. Roger Boynes (*Toco/Manzanilla*): Thank you very much, Mr. Speaker, for recognizing me at this time.

I have heard the Members on both sides of the House discuss the contents of this Bill. However, I simply rise to deal with a few points that I think need to be addressed this evening.

To begin, Mr. Speaker, I hope you will allow me to skip the stories, poetry, games and the temptation to get into nice, but vague, rhetoric and allow me, Mr. Speaker, to get into the merits of this debate and to focus, specifically, on clause 3 of this Bill.

5.50 p.m.

Mr. Speaker, clause 3, amending section 3A. (1) states:

"Notwithstanding section 3, the Judicial and Legal Service Commission may appoint persons other than Magistrates as Coroners."

It is instructive to note that the clause refers, and it specifically and expressly states, that it "may appoint persons other than Magistrates as Coroners." If it is that this clause gives the interpretation that the layman could be appointed and it gives that effect, then somewhere in this particular Bill it should state specifically, at least on minimum qualification, "for persons who qualified to be appointed under this proposed legislation". For instance, a retired police officer above the rank of superintendent who will have that sort of background in the law.

Mr. Speaker, I listened with bated breath when the Member for Couva South, in his opening address, mentioned that one of the criteria for persons to be so appointed is that they must be legally trained. All we are suggesting is that if that

is the criteria, rather than hearing it across the floor, the Member should be kind enough to incorporate it somewhere within this Bill.

It is written that to be a magistrate in Trinidad and Tobago one must serve at least a minimum of five years. It is instructive to understand that we are here as reasonable Opposition Members; we are here not for opposing sake. The Bill has come before us and off the back foot we have signalled to all and sundry our clear intention to support this Bill. We support the intent and purport of this particular piece of legislation. All we are saying is that when the Government comes into this honourable Chamber to deal with the country's business, as we see ourselves as the alternate Government of Trinidad and Tobago, it should take our amendments and suggestions into consideration and use them wisely for the best interest of the people of Trinidad and Tobago.

Mr. Speaker, I looked at clause 3A. (4) and if I may direct the Speaker's mind's eye to that particular section which specifically states:

"The Chief Justice may assign any number of Coroners to one magisterial district or one Coroner to any number of districts."

I am suggesting that if the hon. Member for Couva South amends that particular section to read; "The Chief Justice may assign any number of Coroners to one magisterial district or assign Coroners to any number of magisterial districts." The idea is, in this particular section, one coroner assigned to any number of districts, should mean basically that any number of coroners could be assigned to any number of districts. I am simply suggesting that in order to tighten this particular section, it should be phrased in that particular manner, but we will also deal with that at the committee stage.

Mr. Speaker, my intention really was to speak for about 75 minutes specifically dealing with the whole issue of the preliminary investigation as it was presented to us earlier in the form of this fig-leaf. The reason I say that is because we are talking about a situation of trying to deal with the backlog of cases in the Coroners' Court; and while I say I support and applaud the purport and the intent of the proposed legislation, how it is done is what concerns us on this side. Mr. Speaker, this is a very important piece of legislation. Of course we all know of the many thousands of cases that are tied up at the magisterial level, and we understand how important it is to have legislation to deal expeditiously with these types of matters. We understand that. That is why we are here to lend our support to this particular piece of legislation. We are simply saying that when it comes in

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this form and the Government puts forward this list of amendments, it shows quite clearly that this piece of legislation was not thought through properly before it was handed to us.

Mr. Speaker, as it is, one cannot make any distinction between the procedures of a preliminary investigation and the procedures of a coroner's inquest. After reading this piece of legislation one would get the impression that there is no procedure for the preliminary investigation, and if we are saying that there is procedure then one would have to look at clause 7 where it says:

"PROCEEDINGS AT INQUEST"

Mr. Speaker, I went through the entire section from 22—29; it does not deal with preliminary investigation, it deals with "Proceedings at Inquest". The only matters that deal with "Proceedings at Inquest" are the two amendments that were brought under clause 9, amending section 30. We go back to the fact that there is no procedure in this Bill as to how this preliminary investigation is supposed to be carried out. None whatsoever!

Therefore, one would tend to believe that the same manner in which an inquest was to be carried out, is the same manner in which the preliminary investigations were supposed to be conducted. Nowhere in this legislation is indicated whether or not there were simply statements or reports that the coroner had to look at, or whether he had to conduct a trial similar to that in an inquest, but I am glad to know that common sense and good sense prevailed and the Member for Couva South brought this amendment here. I am glad to see that.

6.00 p.m.

What concerns me is that in this mad rush to ensure that we bring legislation to this honourable Chamber, we should be very cautious in what we are doing here.

Mr. Speaker, I would also like to direct the Member for Couva South, the hon. Attorney General SC to clause 4 which amends section 10A which states:

“Where at the close of the preliminary investigation the Coroner finds that the circumstances of the case warrant further enquiry he shall hold an inquest in accordance with this Act.”

Clause 2 states:

“In this Act ‘the Act’ means the Coroners Act.”

Clause 4 amending 10A refers to “this Act”. I do not know the Act to which it is referring, because clearly, subsection (2) states:

“‘The Act’ means the Coroners Act,” Mr. Speaker.

Wherever “this Act” is seen in this piece of legislation it must be changed to “the Act”, for example, in section 10A. When we look at clause 4, section 30B, again, we see “this Act”. It does not refer to the Coroners Act and what we are dealing with here in these two particular sections is an inquest. The inquest referred to in this particular piece of proposed legislation, is the section that deals with the Coroners Act, Mr. Speaker and here it does not make any reference to the Coroners Act, but it makes reference to this proposed Bill. When we are guided by an inquest, we are guided by this particular Act.

One has to understand and appreciate why we on this side have come here to support this piece of legislation, but we have to ensure that the Government cleans up its act in so doing.

I have had the experience of practising in the courts in this particular jurisdiction at all levels; I have had the privilege of actually taking part in some inquests as well, and I can tell you from a personal position that the situation is really necessary.

This proposed legislation is necessary as there are so many thousands of cases that sit there in the magistrates’ court and for one particular case sometimes the norm is from 5—7 years. The normal layman does not understand that even while the inquest is going on, he may be able to safeguard his rights in the High Court. So what one finds may happen is that if the matter is being dealt with at the magisterial level, after the coroner has adjudicated on a particular matter and he gives his decision, when the layman now seeks to enforce his position in the High Court for compensation and so forth, the claim may be statute barred.

Mr. Speaker, one has to understand that this is very necessary because of the serious consequences that arise from the findings of the coroner. This is a serious piece of legislation. Therefore, whether a person is charged with murder, or some other serious charge, there is a consequence upon the findings of the coroner. Whether or not insurance claims are paid, is dependent on the findings of such a gentleman.

Some of the Members on the other side who are lawyers will know that in a case of suicide some insurance policies would have exclusion clauses in their

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policies so that people's very lives would be affected by it. Therefore, any decision to expedite this entire process would be a decision for the betterment of persons throughout the length and breadth of this blessed nation. Also, whether there is a *prima facie* case of negligence, particularly in motor vehicle accident cases where liability of insurers is involved, this is dependent on the findings of the coroner, and people wait with bated breath for the result and findings of such a gentleman to enforce their rights in the High Court.

We on this side are saying that this is, in fact, an important piece of proposed legislation, and once the other side cleans up its act and ensures that it makes the requisite amendments we have no difficulty. I am glad to see that they have made the amendments before we had an opportunity in this debate to recommend the said amendments.

It is a serious piece of legislation as I mentioned, and we have no difficulty whatsoever in supporting it. We have a few amendments which we will discuss at the committee stage and I am asking this honourable House to understand without a shadow of a doubt, that we on this side are not an obstruction Opposition, we are coming here to do the people's business. We have to put aside the glitter and showmanship, like my Friend from St. Joseph; we have to get serious and look at the merits and the reality of the case—the hard substance of things—and ensure when we come here, that we come to do the business of the people of Trinidad and Tobago.

I thank you, Mr. Speaker.

6.10 p.m.

Mr. Patrick Manning (*San Fernando East*): Mr. Speaker, I rise to make a brief contribution in this debate on the Coroners (Amdt.) Bill, 1996 which, essentially, seeks to widen the pool of persons from whom coroners could be selected.

Mr. Speaker, before getting into the meat of my contribution, I would like to join my other colleagues who preceded me in extending congratulations to the hon. Member for Barataria/San Juan on his maiden contribution. I must tell you that I have waited and waited to hear him and I was very pleased, indeed, to hear him this afternoon. You will forgive me if I harbour a lingering suspicion, Mr. Speaker, but the timing of his maiden contribution in this honourable House related not only to this Bill. He has indeed registered his presence in the

Parliament and I wish to thank him very sincerely for his contribution to this debate.

I was also very pleased to hear the contribution of the hon. Member for Tabaquite, because in our society it is all too easy to make disparaging remarks about each other. When I heard the contribution of the Member for Tabaquite this evening it put the lie to the view that was being expressed by schoolchildren all over Trinidad and Tobago that the Minister of Education is, perhaps, the most uneducated man in the country. His contribution this evening demonstrated that that simply is not so.

Mr. Speaker, we have had comments from a number of the hon. Members opposite but it is to the contribution of the hon. Member for Siparia that I would like to direct your attention and the attention of hon. Members.

Before I get to the hon. Member for Siparia, the point was made very eloquently by my colleague, the hon. Member for Laventille/East Morvant, when in his contribution he made it absolutely clear that technological developments today have brought the state of affairs to such a point that categories of persons other than legal luminaries can, in fact, make excellent coroners.

Mr. Ganga: The Member for Port of Spain South.

Mr. P. Manning: Yes—the Member for Port of Spain South—both of them spoke well, Mr. Speaker, and I want to congratulate them both. [*Desk thumping*]

Mr. Speaker, when we make laws in this Parliament, we have to be cognizant of the fact that the people who make laws are not the people entrusted with the responsibility to interpret these laws. Therefore, our responsibility when we make laws is to do it in such a way that there is no room for doubt in the minds of those who are called upon to interpret them.

I think it was the hon. Member for Caroni Central, the Minister of Health, who made the statistics over the last three years available to hon. Members, for which we thank him very sincerely. He made the point that if we are trying to rectify the particular mischief of the demand for inquests, and therefore the use of coroners being greater than the rate at which these inquests are being held, then surely it is the responsibility of the lawmakers in trying to rectify that problem to do so in a manner that would give the remedy that we are applying the best chance for success.

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Therefore, to say that the Judicial and Legal Service Commission will appoint coroners is to leave a big question mark as to who should or should not be a coroner; but I have heard the argument in this debate that the Judicial and Legal Service Commission can only appoint lawyers.

Mr. Speaker, with respect, I want to suggest that when the Judicial and Legal Service Commission was established in the first instance, it was never the intention of those who established it to authorize that independent agency to appoint coroners. They were established at that time to appoint different categories of lawyers.

I do not know whether the terms of reference of the Judicial and Legal Service Commission, as they now stand, will take advantage of the technological developments in law and in medicine that have taken place, which have been so eloquently adumbrated by the hon. Member for Port of Spain South. I do not know if in advancing the legislation in the way we are advancing it this afternoon that indeed we are excluding from consideration in this matter the large number of persons who may not be legal luminaries at all but who, because of technological developments, and if I may add, because of experience, would be in a position to make excellent coroners and would be in a position to impact positively on the reduction of the backlog that has been placed into the records by the hon. Minister of Health.

Mr. Speaker, it is technology and it is experience. I think it was the hon. Member for Toco/Manzanilla—he also spoke very well, and I too would like to congratulate him—who made the point that a police officer above a certain rank, experienced in the courts, experienced generally in matters relating to inquests may be ideally suited to do it. In the medical profession itself there are doctors and paramedics who may not have attained the full qualifications of a medical practitioner, but nonetheless, have been trained to the level that qualifies them to discharge certain medical functions. Nurses also constitute a category of personnel who are able by virtue of training and experience to conduct certain functions that normally would have been conducted by medical practitioners. The more primitive a society, the greater the extent to which you find persons qualified in other disciplines being involved in the discharge of functions which normally would not form a part of their responsibility.

Mr. Speaker, the question that one has to ask as we debate this issue is: does this Bill before the House this afternoon give the people of Trinidad and Tobago the best opportunity to reduce the backlog of inquests that exist and to remove the

obvious mischief that is created by these delays? Does this Bill put us in a position to draw on that total pool of people who may not be legal practitioners themselves?

6.20 p.m.

On the other hand, it is quite arguable that the Bill may have done just that. I think it may have been in a cross-talk that the hon. Member for Couva South, the Attorney General, made the point that the Judicial and Legal Service Commission can only appoint lawyers.

It is quite arguable if one takes into account the fact that when the Judicial and Legal Service Commission was established it did not have the appointment of coroners as part of its responsibility.

When we make laws in this Parliament we must make good laws and make them in such a way as to recognize that those of us who make those laws are not the ones authorized to interpret them. The interpretation of the law is done in the courts. No matter how certain we may be of what the intent is, when the time comes to interpret a law the intent of those who made it may not be available. Whatever we may think, our responsibility is to so frame the law that all doubt is entirely removed.

What is the intention of the Government? Is it the Government's intention that only lawyers must be coroners in the future, or is it that the Government is prepared to recognize the wide range of talent and experience outside of the legal profession? Is it that the Government is prepared to recognize the technological developments in the fields of medicine and law that authorize other categories of people to make successful coroners? Is it that the Government is prepared to recognize that in putting this piece of legislation before the Parliament this evening, there are persons who, while they may be neither doctors nor lawyers, by virtue of their experience in certain fields are in a position to make excellent coroners and, therefore, contributing to ridding the country of the backlog of cases and ensure that such a backlog does not develop in the future? Those are the questions that will arise if this Bill, as it is now drafted, comes before a court.

I can foresee, 10, 15 or 20 years from today, some judicial and legal service commission taking the view that we would appoint somebody other than a lawyer because of certain things. What is the intention of the Parliament? We are saying to hon. Members opposite that this is not an issue on which we are trying to score points. When one is making law that should never be the major consideration. I

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am asking, on behalf of my colleagues on this side, that we clearly determine what is the policy that we are trying to enact into law and then ask ourselves whether the formulation of the law as it now stands in the draft legislation, gives proper effect to the policy position that we are seeking to implement.

I would only hope that the Government moves away from the tendency that I see developing in the Parliament within recent times to ignore points, however significant they might be, and however important they might be, merely because they come from us. The people of Trinidad and Tobago, recognizing that we operate in a system of parliamentary democracy in which there is a Government and an Opposition, understand what the role of Opposition is. That is, to draw certain things in the instant context to the attention of the Government. If we do so, the Government's responsibility is to give proper consideration to the points that have been made, to see whether the points have merit, and if the points do, in fact, have merit to make the appropriate adjustments to the legislation to ensure that we properly discharge our functions.

Permit me now to turn to the contribution of the hon. Member for Siparia. When hon. Members make contributions in this House and they do not stick to the issues then they broaden the debate to take in issues that may not be directly relevant to the matter before us. If that is permitted then those of us who feel that we are disenfranchised as a result have a right and responsibility to set the records straight. There were many points made by the hon. Member for Siparia which could usefully form the subjects of discussions in this debate this evening. Time does not allow me to deal with all of the points.

Mr. Speaker, I have a responsibility to deal with one issue that has been raised and to deal with it as comprehensively as I can, and to demonstrate that if such an error could be made on that issue, if the Member for Siparia could have been so blatantly incorrect on that particular issue then it casts a shadow on the entire contribution that has been made by the hon. Member. I am always kind to ladies may I assure him. *[Interruption]*

Mr. Singh: Ladies of the night.

Mr. P. Manning: Day or night and I assure the hon. Member for Siparia that the quality of mercy is not strained. I will not be unfair to the hon. Member in any way nor will I treat you in the way either your hon. Attorney General has treated you or for that matter your Prime Minister.

Mr. Speaker: I think when the hon. Member sits he runs the risk of giving the impression that he has concluded.

Mr. P. Manning: Mr. Speaker, be assured that if I sit it is purely a matter of convenience. I can stand at any time I wish, and for as long as I wish.

Mr. Speaker: The hon. Member sounds as though he is boasting.

Mr. P. Manning: Mr. Speaker, if, like me, you are a practitioner of the *Bible*, you will no doubt recall the section which says: "Let your light so shine before men so that they may see your good works and glorify Thy Father which is in heaven."

I think, Mr. Speaker, will recall a statement made in this honourable House in 1978. I will ease you up on this one. It was the Member for Siparia in her contribution who talked about the PNM having a propensity to hold consultations and to solicit reports but to take no action on them.

The Member made reference to a consultation which was held at the Chaguaramas Convention Centre in early 1992, a consultation on job creation, how to eradicate the unemployment problem in the country. It was her allegation—and it will turn out to be quite incorrect indeed—that the PNM held such a consultation and took no action on the recommendations that emanated from that very important discourse.

To begin with, permit me to advise the honourable House, that unemployment in the year 1988 was 22.3 per cent. In 1989 it was 20.3 per cent, and then a few weeks ago the Central Statistical Office put out a bulletin that put the figures for unemployment in the fourth quarter of 1995 at 16.3 per cent and added that it was the lowest figure for unemployment in Trinidad in the last ten years.

6.30 p.m.

I just would not be provoked. Under what is described as an Article 4 Consultation between the IMF and Trinidad and Tobago in 1995, the IMF estimated unemployment in the fourth quarter of the year to have dropped to an all-time low over the last 10 years to 16.4 per cent. The International Monetary Fund went on to point out that at the rate we were going, particularly with economic growth in the non-oil sector at 4 per cent in 1995, that in the year 2000 unemployment would drop to 10 per cent. Could that have constituted the record, if, as the hon. Member for Siparia said, that in 1992 the PNM government ignored

the recommendations of that national consultation which had been held at the Chaguaramas Convention Centre?

I suppose different people can express different points of view on that. It is a matter of opinion. It is my view that the most significant recommendation emanating from that consultation was one which was made on behalf of the Contractors Association by Mr. Emile Elias, who, in addressing that consultation, pointed out to the government at the time, the opportunity that presented itself to stimulate activity in the construction centre, thereby creating many jobs in the short term, recognizing that this is a tried and tested method, not only in Trinidad and Tobago, but also in different countries of the world.

In accepting that major recommendation of the consultation—quite contrary to the view expressed by the hon. Member for Siparia—the Government of Trinidad and Tobago at the time—which I had the pleasure and honour to lead—embarked on a major programme of stimulating activity in the construction sector to create jobs. There was physical infrastructure at the time, but the critical elements in our thinking were job creation, the reduction of unemployment and giving more people an opportunity to make a secure way for themselves and their families thus giving them a stake in Trinidad and Tobago.

It is now a matter of record that the then government commissioned a study on the capital city of Port of Spain. It has nothing to do with who voted for whom. It had to do with the capital city. It became particularly critical in the context of another decision that the government took at that time which was to create jobs by stimulating the tourism industry. Arising out of another study the experts tell us that when a cruise ship comes to Port of Spain, it is not only that a ship comes into our harbour, but there must be activities for the people for whom the tourism industry has been developed. They like to operate in a particular environment.

It was our view that the implementation of a proper city centre programme not only could contribute positively to stimulating job creation based on tourism, and as a consequence of the significant construction that is associated with the development of a city centre, but it also had the potential of making Port of Spain, the capital city of Trinidad and Tobago, one of the most modern capitals in the western hemisphere. That was our intention. An important element in that programme was the Brian Lara Promenade. At the time the decision was taken and was to be implemented there were many who felt that it was a waste of time and money.

A few nights ago I had the pleasure of attending a function and being approached by a gentleman who said that whatever people may have said about it, the Brian Lara Promenade has succeeded in transforming not just Independence Square but indeed the capital city of Port of Spain. That was his view.

When we decided as part of that city centre programme to build a national library complex, it was not just a question, important as it was, of providing research facilities. We thought we could kill two birds with one stone; we could provide a library facility and all that went with that, but jobs would have been created particularly in a part of our country where unemployment is high and if not properly attended to, has the potential for creating social problems in Trinidad and Tobago. That point cannot be made too strongly. If my hon. Friends opposite believe that by reducing the expenditure of the Unemployment Relief Programme at this time of the year, they are saving money, all I can say to them is that they would be well advised not to be penny wise and pound foolish.

Mr. Speaker: Hon. Member, what you are saying is sounding very interesting to me. I do not want to stop you in your flight, but I want you to return to the germ of the Bill.

Mr. P. Manning: The point I was about to make is that if the expenditure of URP is not rectified in the short term, the demand for coroners in the country could easily increase. Contrary to their view, it is not a threat. It is a recognition of a reality which they do not seem to understand. That is only one.

Before I began I made the point that when Government Members make contributions to debates in this House and they do not remain focused, they place an obligation on the Opposition to answer all allegations which are made, if only for the record. They do not have to listen. We are not unaccustomed to speaking in this Parliament while no one on the other side is listening. In fact, sometimes we wonder if they can hear at all. That is not what it is all about today.

I was dealing with the point made by the hon. Member for Siparia that the PNM government that preceded the Government of today had the habit of soliciting recommendations and taking no action on them. Mention was made of the *Gurley Report*. I am seeking to demonstrate that it is not so and in so doing to let hon. Members know that it was not only in that particular area that the contribution of the hon. Member was deficient, but also by doing it in the way she did, she discredited her entire contribution. The reality of the situation is that whatever we had done in seeking to implement the recommendations of a report,

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we seem to have a government in Trinidad and Tobago today that is hell-bent on reversing all of it.

6.40 p.m.

They have stopped the library project after \$10 million has been spent. A person merely has to go there now to see that those responsible have removed the galvanize and have put a chain-link fence so that everyone in Trinidad and Tobago can see the result of the folly of the current Government of Trinidad and Tobago.

If the Government wants to demonstrate that it does not care about San Fernandians, it can stop the Hasley Crawford Promenade in San Fernando. It is free to do so because one of the reasons that project was instituted was to create jobs in San Fernando, part of an overall programme to create jobs in Trinidad and Tobago and to reduce the demand for coroners.

It is not just the library and the Hasley Crawford Promenade, administrative complexes in the country have also been stopped. What the Government has sought to do is to stop nearly all the projects the past government has put in place designed to create jobs to deal with a social problem—the reduction of crime, especially instances of severe crime—and, therefore, reduce the demand for coroners.

I notice that the hon. Member for Couva South is grumbling. He can get up and talk; he does not have to grumble. When he gets up he can let us know why he made himself Senior Counsel. Why did he give himself silk?

Mr. Panday: I did that.

Mr. P. Manning: He did it? Is it that they were both advised by the hon. Member for Tobago East who set the precedent in these matters?

Mr. Speaker: I appeal to the hon. Member to talk to me, please!

Mr. P. Manning: Mr. Speaker, the problem in talking to you is that you do not answer. *[Interruption]*

Mr. Speaker: It is quite clear that the hon. Member needs protection, and it is my duty to protect him.

Mr. Panday: I apologize, Mr. Speaker.

Mr. Maharaj: I apologize, Mr. Speaker.

Mr. P. Manning: I see the hon. Prime Minister is agitated, Mr. Speaker.

Mr. Imbert: He has not had a drink for some time.

Mr. P. Manning: I think it may well be that.

Mr. Speaker, it is not just the city centre, it is housing also, and I will not go into the details of it. I am merely trying to draw the attention of this Parliament to the fact that while the hon. Attorney General is accusing the PNM of one thing, the Government is seeking to undo what the PNM had been trying to do in the context of job creation, and in the context of reducing the demand for coroners. I do not know, but it may well be that the action has been taken by the Government precisely for that purpose.

Time does not allow me to go into all the details of implementation of the recommendations of the *Gurley Report*. I will just mention the Education Task Force. The hon. Member for Siparia has done a great injustice to herself by making the point in the way she did.

May I suggest, as I conclude my contribution, that the hon. Members opposite consider very carefully the points that have been made. Let us not put them in the context of the cut and thrust in politics. If the Opposition has made points, I think all of them ought to be considered. If the points are found to have merit, then the responsibility devolves on the Government to make the appropriate amendments to the legislation.

We commend our views for the consideration of Members of this honourable House.

The Minister Extraordinaire and Minister of Tobago Affairs (Hon. A. N. R. Robinson): Mr. Speaker, I propose to deal with the subject matter before the House. Unfortunately, I left my spectacles at home and cannot read the Bill. I therefore propose to deal with the contents of the Bill from my memory. I must confess I found it difficult to see where the Member for San Fernando East was coming from. *[Laughter]*

In the tradition of Houses such as this, may I congratulate the hon. Member for Baratavia/San Juan for his very interesting maiden contribution *[Applause]* There are other Members of the House who have made quite interesting, substantial and useful contributions, and I do not think I need mention them. I think the House would have been able to judge from those contributions the quality that resided in them. I now refer to the Bill.

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I refer specifically to the purpose of the Bill, to place it within the context of the legislation that has been introduced to this House. It has been said that there has not been a holistic approach by the Government on this question of crime. From the statements which have been made and from the pieces of legislation which have been introduced in the House, I am sure that objective and fair-minded persons throughout the country could come to no other conclusion but that the Government has a plan and is implementing that plan in the context of a holistic approach to this whole question of the control of crime. This is not only being done at the national level, but also at the international level: from the level of the law enforcement authorities of Trinidad and Tobago, to collaboration with law enforcement agencies in other countries, and from the point of view of crime prevention and interdiction.

I think it was the Member for Tobago West who spoke very passionately during the budget debate about the incorporation of the concerns and objectives of the young people in this whole approach. Other Members, during the budget debate and on other occasions, have spoken about the programmes and plans of the Government which, when taken together, deal not only specifically with offences which may be committed, but also with the environment which may or may not lead to the commission of crimes. So the statement that there has been no holistic approach to the issue of crime is totally unfounded, having regard to the history of this Government and its approach to the whole issue of crime.

I want to compliment the Attorney General for the zeal and intelligence that he has brought to this whole issue.

It has not been an easy matter to have these pieces of legislation, not only conceptually designed, but also drawn up by draftsmen, including himself, in the way that they have been done. I think if one is to give credit where credit is due one ought to give that credit.

6.50 p.m.

It is a pity that these personal criticisms are being made, particularly, against people in their professional capacity. Mr. Speaker, I would normally regard with contempt, any attack on me, in my professional capacity. There are one or two things I would like to say because the Member for San Fernando East persists in a line of conduct, which is particularly reprehensible and rather unbecoming of a former Prime Minister. [*Desk thumping*] I do not think that anybody at the Bar

with any knowledge of the law and with any knowledge of the record of the Attorney General would cavil against the award of silk to the Attorney General.
[Desk thumping]

Insofar as your humble servant is concerned, and I am sure you would know, Mr. Speaker, that in the most objectionable fashion the party and the governments to which the Member for San Fernando East belongs, exercised the most reprehensible victimization against me in the award of silk. While all the seniors in the profession agreed and recommended; the Chief Justice, the Attorney General, it was the politicians in his party who stopped it for eight years, just out of political spite. *[Desk thumping]* It is incredible that the Member for San Fernando East, the former Prime Minister—

Mr. Valley: Mr. Speaker, would the hon. Minister give way? Could the Member inform us—quite unlike the Member for Couva South whom we know dealt with a number of matters—which major legal matter he has dealt with?
[Interruption]

Hon. A. N. R. Robinson: If the hon. Member wants to display his ignorance he is free to do so. *[Laughter and desk thumping]* Mr. Speaker, as you would know it was done in the most reprehensible manner out of political victimization, as they have tried to do on so many occasions and as they have imprisoned me without any justification and had to pay compensation. So I view with absolute contempt, any attempt, to impugn, either my character or my professional competence. *[Interruption]* I would not say where it is recognized because if he does not know there is no point in my telling him, he cannot appreciate it.
[Interruption]

I am coming to the point of the Bill, but one has to dispose of these irrelevancies as one goes along. One would notice the amount of time spent on matters—I would not even say economic matters—of the performance of the previous government since 1992, and one would notice that in all references to the past, history—so far as the other side gauges it and understands it—begins in 1986. *[Desk thumping]* There was no history before 1986. I am not going to spend any time today on the history before 1986, I will on a future occasion. I have been keeping very silent on that matter for a long time and the opportunity will occur when I will deal with history before 1986. I will demonstrate the disaster that the PNM government has been to Trinidad and Tobago up to 1986—
[Desk thumping]

Mr. Valley: Especially when you were Minister of Finance.

Hon. A. N. R. Robinson: No, because you refused to accept my policies and my advice. Mr. Speaker I would also demonstrate that what they are seeking to claim as their achievements since 1991, were really the result of the foundations laid by the Government of 1986. *[Desk thumping]* Mr. Speaker, that is the reason one hears nothing about history before 1986. History starts in 1992, because then they could be positive as a result of the foundation—the work done by the Government of the National Alliance for Reconstruction. *[Interruption]* Mr. Speaker, the old folks have a saying: “time will tell.” As time has been running out, time has been telling and time has already told Members on that side. *[Interruption]* That is where you are. *[Interruption]*

Miss Nicholson: And will remain.

Hon. A. N. R. Robinson: Yes, I am very slow and very deliberate this afternoon so that you will hear every word that I say.

Now I come to the only reference to the Bill and that is to the section which provides for the appointment of persons as coroners, other than magistrates. We have heard: Why do you not appoint nurses and paramedics? Why do we not have the freedom to appoint all these types of persons?

Mr. Manning: Mr. Speaker, I thank the hon. Member Tobago East for giving way. I would like to ask the Member to be kind enough to make accurate reference to what I said. What I sought to do was to ask the Government what was its policy. There is this category of persons and this other category of persons, is it your intention to allow all these people, and if so, does the Bill allow it? Or, if it is not, does the Bill not open it up to do otherwise? That goes with the issues.

Hon. A. N. R. Robinson: Mr. Speaker, the Member for San Fernando East went much further than that, he said: “there is a wide range of persons; open the net from which you could choose, widen the pool from which you could choose; there is all this technological and scientific capability which has developed over the years which enables one to choose from such a wide range of persons.” Mr. Speaker, one has to distinguish between the post mortem and the inquest. One distinguishes between the post mortem where one requires that medical expertise; and the inquest where procedures are necessary, where evidence has to be led, where knowledge of the law, a background of the law and training in the law become very material to the successful conduct of the proceedings. In these cases

where one has very highly skilled lawyers participating in the inquest as well, it is all the more necessary that one does have, conducting these inquiries as coroners, persons with legal training and background. That is the simple answer to the Member for San Fernando East.

7.00 p.m.

Mr. Speaker, I compliment the Member for Siparia because some of the arguments raised on the other side show the way in which they deserve to be treated, and it was a very, very ingenuous way of pointing out the deficiencies that existed in some of the arguments which were quite well-founded.

I congratulate the Member for Laventille East/Morvant on his eloquent speech, although I was a bit disappointed. I am sorry the Member for Toco/Manzanilla is not here. I was somewhat disappointed with his contribution but as time goes on I am sure that the quality of his contribution will improve as a result of experience.

I am sorry that the Member for San Fernando East has not been here to listen to the Member for Arouca South. He should have listened to her contribution and then he would have understood the quality and kind of contribution on legal matters we expect from the leadership on that side. These are the points that I wanted to raise, and I hope that as one former Prime Minister to another he will take kindly to the advice I have given him and that in future he would rise to the level which would demonstrate to the House the quality of contribution that former Prime Ministers should make. [*Desk thumping*]

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, this must really be considered a very sad day in the history of this Parliament. It is very sad because the Opposition has before it a situation where the previous government neglected or failed to act; to take steps to pass legislation. This refusal or neglect has caused tremendous injustice to little people; people who have lost their husbands, wives, and children and who were entitled to have their inquests determined; entitled to have insurance moneys. The education of children was also affected.

The previous Government, now Opposition Members did not do anything about that situation they come here today to talk about everything else in the sun but have not apologized for the injustice they have done to the people of this country. Mr. Speaker, that is not strange. The Opposition has no respect for the violation of the principles of justice, smearing people's reputation, discriminating

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against people; it has no reputation for following any of those matters in order to see that they do not discriminate and violate justice for people, and that has been shown even in the treatment of the hon. Member for Tobago East this evening.

A former attorney general, Mr. Russell Martineau, recommended Senior Counsel for the Member for Tobago East—the Attorney General of the PNM administration recommended that. That was approved by the then Chief Justice of the country, but the politicians, the Prime Minister and his Cabinet at the time, did not do anything to implement a lawful recommendation, but they have come here today to defend an unlawful and irresponsible act, trying to smear people's reputation.

Mr. Speaker, what is the purpose of the Opposition? The Member for Diego Martin Central got up to ask the question when Mr. Martineau—who is still a member of the PNM—in his capacity as Attorney General of the then leader of the Bar, recommended silk for the Member for Tobago East. I thought that the Member for San Fernando East—and it is not too late to show the kind of statesman he is, if he is—to get up and apologize; but he would not do that. Mr. Speaker, do you know why the Member would not do that? Because he believes in running a party based on misrepresentations, untruths, distortions and lies. What has happened is that the PNM are strangers to the truth.

Let me first deal with what the Member for San Fernando East has started this evening. He came here this evening to ask: What is the policy of the Government? Why are there so many people outside who should have been part and parcel; people who are qualified in the field of medicine; many people who can be coroners? Well, through you, Mr. Speaker, when his Government in July of 1992 adopted the *Gurley Report* which called for magistrates, legally qualified persons to do these inquests, not doctors, not all the people outside there, he as the then Prime Minister sat down as Chairman of the Cabinet and adopted this. Mr. Speaker, if his administration adopted it in 1992 then he neglected those people. If he was serious about any such amendment then he should have come to this House and spoken on the amendment. The Opposition has no plan. The Members come here and make statements which are not supported in the other place, and when amendments come from the other place they want to hold on to those amendments as if they belong to them. I want to demonstrate what is happening in this House.

Mr. Speaker, the Member for San Fernando West got up in this House supported by his colleagues, and tried to give the impression that he and his party

supported a concept of alternate jurors and we rejected their amendments. In effect, they are saying that we have not listened to what they are saying and, therefore, we would not consider it properly. The Member for San Fernando East got up with that message. Mr. Speaker, I want the Member for San Fernando West to recognize that he did not support the concept of alternate jurors in the Jury Bill, he made no recommendations to have any alternate jurors change from 12 to 6 or 5, and he was against the concept of alternate jurors.

7.10 p.m.

Mr. Speaker, I read from *Hansard* on April 1, 1996, what the Member for San Fernando West said.

Mr. Panday: Well, it was April 1.

Hon. R. L. Maharaj: He said:

“I am not entirely convinced of the reasons of this new system of alternate jurors. Such a system may well make it possible to have the entire system of trial by jury corrupted. We have had cases where witnesses have been murdered, and it is surprising to me...”

He went on:

“Mr. Speaker, the question of alternate jurors is perhaps more relevant where the trial or the jury deliberations take a long period. The existing Act sets out a three-hour limit after which the judge can intervene and discharge a jury, or he can ask the jury to continue sitting. In my opinion, this provision is not relevant in our setting for the system of alternate jurors.”

He was saying that he was against the concept of alternate jurors so how could the Opposition have agreed to reduce 12 alternate jurors to 6 or to 5, 3 or 2? It shows that they do not know what they advocate. They did not prepare for the legislation. They did not come like the Independent Senators who studied the Bill and made contributions which any responsible government can consider. As a matter of fact, the Jury (Amdt.) Bill, the Evidence (Amdt.) Bill and the Habeas Corpus (Amdt.) Bill were passed in one sitting of the Senate. Today, the Opposition has come with all sorts of matters which reflect that they have not

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really given consideration to the Bill and even when it is pointed out to them, they do not want to consider it.

The Member for Laventille East/Morvant tried to give the impression that he and his Opposition colleagues made recommendations and amendments to the Evidence (Amdt.) Bill, and that we did not consider their suggestions but when it went to the other place, we accepted them. In respect of the Evidence (Amdt.) Bill, the Member is on record as saying that he was against the provision of having the commissioner of oaths or any other person—he was only interested in a notary public.

The amendment in the Senate continued with a commissioner of affidavit, a notary public and such other person if those persons were not available. Therefore the amendment in the Senate had nothing to do with his record. Mr. Speaker, if I may read and remind the Member of what he said on April 2, 1996:

“More specifically, I wish to propose an amendment to the one that is before us—I am satisfied it has not been circulated—It says:

‘In the new subsection (1A) to be inserted, delete the words ‘a commissioner for oaths or any other person duly authorised by statute to administer oaths or to take statutory declaration...’”

The Opposition was advocating that “commissioner for oaths” be deleted and “any other person”. The Senate amendment did not say to delete that. It has “commissioner for oaths and any other person. So why is it that they come here week after week and try to mislead the House on very important matters?

Mr. Speaker, we then had a submission made by the Member for Toco/Manzanilla and I regret to say this, but if someone is making a submission in law about a bill and one is a lawyer, one should have some pride in making that submission. For the Member to say that preliminary investigation is not defined, may I refer him to *Halsbury’s Laws of England, 4th Edition, Vol. 9*, paragraph 1036 which deals with inquests. It says:

“Where a coroner is informed that the dead body of a person is lying within his jurisdiction and there is reasonable cause to suspect...”

It goes on:

“He must hold an inquest touching the death of that person except that when there is reasonable cause to believe that the person has died a sudden death of

which the cause is unknown and the coroner is of the opinion that a postmortem examination may prove an inquest unnecessary, he may dispose of the case...and he may not hold an inquest.”

It is recognized that a coroner can do a preliminary investigation and a preliminary investigation means preliminary investigation. When I presented the Bill, I mentioned that although there is that meaning to preliminary investigation, having regard to all the suggestions that were made, we decided to define preliminary investigation.

Mr. Speaker, I find it very strange, however, that suddenly when there are amendments to a bill before it is debated, or amendments being accepted, it is improper. As I understand the parliamentary system in which I have been involved for five years, the previous Government brought amendments to almost every bill at the last minute and nobody made any fuss about that. Amendments came from the Senate and no one made any fuss about that; the reason being that parliamentarians are law-makers and they must recognize that even up to the very last moment, if there are amendments to be made, it is the duty of the Parliament to make them.

Hon. Member: *[Inaudible]*

Hon. R. L. Maharaj: That is different. That is very different from a policy of the bill. If a Government brings a bill—because every bill has a policy—and the Parliament rejects the policy of the bill, then constitutional convention demands that the Government resigns. But with respect to amendments from section to section, that is the duty of the Opposition and the Government. I would ask Members to understand that there would be many more amendments to many more bills because that is how Parliament works. Therefore, I will encourage Members to bring amendments even at the last minute because that is the purpose of Parliament.

I would like to deal now with the point being made about clause 3 of this Bill. Much has been said about the Bill not having any description about the person who would be a lawyer and so forth, and we have had all sorts of submissions made about this. I mentioned when I opened this debate that an order under the Judicial and Legal Service Act would be made to include coroner as a public officer in the judicial and legal service.

Section 3(2) of the Judicial and Legal Service Act—bearing in mind that the heading is “Establishment and Structure of the Judicial and Legal Service and

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Practice by Legal Officers”—provides for the listing in the First and Second Schedules of that Act of the public officers in the public service who constitute the judicial and legal service who are all attorneys at law.

“There is hereby established a Judicial and Legal Service.”

And it refers to the First and Second Schedules where the offices are set out. When one looks at the First and Second Schedules, they constitute the officers who can be appointed and “officer” is defined as meaning a judicial officer or a legal officer under section 2 of the Act. The Judicial and Legal Service Commission can really only appoint someone who is a judicial or legal officer, therefore, specifically under section 4 which states:

“Subject to section 3 and to the Constitution, the President may by Order prescribe the classification or title of an office set out in the First or Second Schedule.”

I said that in the schedule there was no designation of coroner, there was magistrate and, therefore, the order would specify coroner as a public office in the judicial and legal service and that obviously would deal with the situation.

Mr. Imbert: I thank the hon. Attorney General for giving way. Although that would specify a judicial or legal officer, would it indicate the necessary qualifications of that officer, or would that come in another way?

Hon. R. L. Maharaj: Mr. Speaker, one cannot amend the jurisdiction of the Judicial and Legal Service Commission very lightly and we all know—and this was the other point I was coming to—that the Judicial and Legal Service Commission is an independent commission. The Executive cannot interfere with the discretion of that commission and they have the jurisdiction to appoint legal and judicial officers, therefore, we have taken the position that the Judicial and Legal Service Commission would be best equipped to deal with that situation.

One has to understand that one must have confidence that the Judicial and Legal Service Commission would appoint people who are well suited to do the particular job.

7.20 p.m.

Mr. Imbert: Mr. Speaker, I thank the hon. Member for giving way again. I appreciate what the hon. Attorney General is saying, but in the case of a magistrate, the power of the Judicial and Legal Service Commission is

circumscribed by the five-year experience qualification. I just wanted to make that point.

Hon. R. L. Maharaj: Mr. Speaker, I take the point, but it may be that an inquest may not need five years. The hon. Chief Justice of the Judicial and Legal Service Commission is a man who has been at the bar; he has had experience and there are members who would know about the matter. They would be better equipped to deal with that criteria than we are as parliamentarians.

Mr. Speaker, if we tried to interfere the Opposition would say that we are trying to interfere with the independence of a commission. Here it is quite clear that the Judicial and Legal Service Commission can only appoint a lawyer. The Commission has the responsibility of appointing judicial officers within the judicial service. Therefore, we as a Government are saying that we have confidence that the Judicial and Legal Service Commission would act in the best interest and appoint appropriate persons to do these inquests. They are not magistrates; they are to do inquests and be coroners over a period of time.

Mr. Speaker, there were other points made, and in fairness to Members I would like to respond. The hon. Member for San Fernando West said that one has to make the difference between preliminary investigation and preliminary inquiry quite clear. I think we have done that. I do not think that one can do any more. Preliminary investigation is understood. There is no question of a preliminary inquiry. Section 20 had to be repealed because the fact is that there would not be a total judicial inquiry. The preliminary investigation would, in effect, be a quasi judicial investigation, and the other inquiry would be a judicial inquiry. Having regard to the subsequent provisions of section 21 of the Act, one sees that evidence has to be taken and there are questions that can be asked so, in effect, it is a judicial inquiry.

The staffing of the coroners' court is, again, not a function of the Executive. This administration is committed to the principle of the separation of powers. What I can announce is that I have been having regular meetings with the Chief Justice in his capacity as head of the administrative arm of the Judiciary. The Government has given the commitment to the Chief Justice that whatever is needed in order to improve the situation, it is going to try to provide it and we have been able to provide everything that is needed so far in order to get things going. We are committed to providing the necessary resources to the judicial arm of the state.

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The hon. Member for Port of Spain South spoke about this being an excellent opportunity for us to announce many matters. I want to tell him that there are some reforms that can take place very quickly and others would take a longer period of time. For him to advance this idea, it seems to me, that he is thinking that we should postpone these reforms and wait until we can do all reforms. I do not know if that was PNM's policy while in government, but what we have been doing—it is for those who have eyes to let them see, and those who have ears to let them hear—is enacting legislation which would, in effect, improve the administration of justice, protect the safeguards and ensure that there is justice for the people of Trinidad and Tobago. I do not think anyone looking at it in a very objective manner can say otherwise.

Mr. Speaker, I have problems with the hon. Member for Diego Martin East.

Mr. Panday: Everybody has problems with him.

Hon. R. L. Maharaj: He talked about the pronunciation of names, giving credit where credit is due and that the PNM was a government of principle. He likes to smear the reputation of others; he likes to use the parliamentary privilege to do that, but I would not stoop to that level. I would not descend to his level.

Mr. Panday: To that sewer.

Hon. R. L. Maharaj: What I would like him to know, however, is that we on this side of the House are accustomed to the PNM's smear campaign. We are accustomed to the PNM's political harassment. We are accustomed to the PNM using the prosecution process in order to attack individuals. We are aware that the PNM has bribed and paid people to lie. We have lived on that road.

Mr. Speaker, I want to tell the hon. Member that the journey has only now begun. *[Desk thumping] [Interruption]*

Mr. Panday: The journey now start.

Hon. R. L. Maharaj: I know the hon. Member for San Fernando East gets those chills down his spine, but I wish to assure him that the only gun-talk we have is, in effect, that we are fighting for the rights of the people and the preservation of justice in Trinidad and Tobago. *[Desk thumping]* We are committed to the rule of law and the separation of powers. *[Desk thumping]* That is it.

Mr. Speaker, I was on the point made by the hon. Member for Diego Martin East who said that the PNM government was a government of principle. I would

ask that the next time he gets up to talk in this House that he tells us about the principle in the Pride project. He should tell us about the role he played. He should tell us about the message he carried. He should tell us about the events that led to the butchering of the report. Also, that before he gets up to talk in this House on the next occasion I would ask him to talk to the hon. Member for San Fernando East and the hon. Member for Diego Martin Central and let us know all about Farmland. Let us know everything. I would like him to tell us about the principle of truth. I would like him to tell us about the cement company; about the Ministry of Works and Transportation and its contracts and relations with the cement company. *[Interruption]* I would not descend to his level, Mr. Speaker. I would like him to tell us about insurance companies' contracts. I would like him to tell us about these matters. Anyhow, we shall come to that another time.

Mr. Valley: Mr. Speaker, the hon. Attorney General made mention of the Member for Diego Martin Central with respect to Farmland. Let me say that what I know of Farmland is that in the Arcadian transaction they ran a close second and they were so impressed with the process that they decided that they want to come to Trinidad to put down a plant. That is what I know.

Hon. R. L. Maharaj: Mr. Speaker, I took the contribution made by the hon. Member for Diego Martin East very seriously insofar as it accused the hon. Member for Barataria/San Juan of unethical conduct. In effect, he accused him of unethical conduct because he was pleading his own cause, and I took the trouble to write as he spoke.

7.30 p.m.

Mr. Imbert: Mr. Speaker, on a point of order. Under Standing Order 36 (5); the Member is imputing improper motives. I did no such thing. I did not accuse the Member for Barataria/San Juan.

Mr. Speaker: That is not really a point of order. That could be clarification between both of you. Do not get me involved in that.

Hon. R. L. Maharaj: Here it is that a Member of Parliament comes to talk about redressing an injustice where the Government pays pathologists and doctors a meagre sum in order to do difficult duties; people who are exposed to risks at any hour of the night; he does his duty in order to lend support and he is accused of unethical conduct. The Member went further and the *Hansard* would record it.

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His words were, “we do not think that everybody there are all scamps”. In effect, he was accusing some of the Members on this side of being scamps. What has happened to him is that he knows he cannot support that.

I would not go into the political and other scampishness of Members on that side. I would not deal with that. He keeps on making insinuations and allegations against the Member for Couva South in respect of breach of the criminal law.

Mr. Speaker, I want to put it in the records of this House that the Member for Couva South functioned under a PNM administration. The PNM administration had all the resources available to do whatever investigations they could have done and they tried everything: to harass, to fabricate evidence. I want to say here today that I know that I would have to continue to listen to the hon. Member for Diego Martin East, but I assure the Member that we on this side of the House would not be terrorized and that it would not in any way affect us. What I would ask the Member to do is, since he would not get that example from the Member for San Fernando East, that he must take the example from the Member for Arouca South who has displayed leadership qualities, who has displayed principle, and who makes objective contributions. *[Desk thumping]* That is the kind of example the people of Trinidad and Tobago would have to follow, but they should not emulate the Member for Diego Martin East or the Member for San Fernando East.

I hope that at the end of the day, the Opposition would decide that this administration has a plan. It is going to come here to do its legislation; it is going to go ahead with its plan to effect the remedies it has for the people of Trinidad and Tobago. We would ask them, however, that when they come to the House that they come with materials that would reflect preparation, that would reflect that they are properly informed and would display that they, in effect, know what they are talking about. I wish to give the assurance that all the amendments they are asking for we shall consider them. I have been considering them, but as they know, I am advised also by departments and I regret to say that unless I am convinced otherwise, I cannot see that any of these amendments would make any difference to the Bill.

I beg to move.

Procedural Motion

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PROCEDURAL MOTION

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I need to move a Procedural Motion at his stage that this House continue until the conclusion of the business before the House.

Mr. Valley: Mr. Speaker, on a point of order. That Motion should really be moved at 7.50 p.m. I think it is premature.

Mr. Speaker: Indeed, at 7.50 p.m. one may move and I want the Member to know that I am aware of it. But do you want to stand on it?

Question put and agreed to.

CORONERS (AMDT.) BILL

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Mr. Speaker: Hon. Members will appreciate that a list of amendments was circulated by the hon. Attorney General. Another has been circulated by the Member for Diego Martin East. I draw your attention to Standing Order 53 (6) which states:

“Any proposed new clause shall be considered after the clauses of the Bill have been disposed of and before consideration of any schedule to the Bill: Provided that a new clause proposed in substitution for a clause which has been disagreed to may be considered immediately after such disagreement.”

We will therefore consider the proposed new clause 2(a) after consideration of the existing clauses of the Bill.

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

Clause 3.

Question proposed, That clause 3 stand part of the Bill.

Mr. Imbert: Mr. Chairman, can I get some clarification from the Attorney General. Will the publication of the order that he referred to restrict coroners to judicial and legal offences? Is that the intention? The Attorney General spoke about an order so that persons who are not lawyers cannot be coroners.

Mr. Williams: That is to say, legal and judicial officers except that in clause 3(2) in the original Bill where a harbour master can be a coroner. Is that correct?

7.40 p.m.

Mr. Maharaj: The Act already provides that a harbour master can be a coroner in respect of those matters. We are dealing with coroners being appointed on a certain basis. Those are matters of emergency on a regular period.

Clause 3 ordered to stand part of the Bill.

Clause 4.

Question proposed, That clause 4 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 4 be amended by the following:

In 10 (1) delete the words “may hold” and substitute the words “shall carry out”.

In 10 (3) delete the words “of the district to which the coroner has been assigned”.

Those words are not necessary in the light of already having been mentioned in the previous subsection.

In 10A delete the words “at the close” and substitute the words “upon the completion”.

Mr. Boynes: Mr. Chairman, in 10A: “in accordance with this Act” should read, “the Act”.

Mr. Maharaj: The amendment becomes part of the Act.

Mr. Boynes: “The Act means the Coroners Act”.

Mr. Maharaj: When you refer to clause 4 you say the Act is amended. That is different, to say, “in accordance with this Act”. The amendment is regarded as part of the principal Act. When you refer to even an amendment you refer to this Act meaning the principal Act. You are talking about the Act which is amended and which is different from referring to something in this Act.

Question put and agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

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Clauses 5 to 8 ordered to stand part of the Bill.

7.50 p.m.

Clause 9.

Question proposed, That clause 9 stand part of the Bill.

Mr. Maharaj: I beg to move an amendment to clause 9 as follows:

Delete the words “at the close” and substitute the words “upon the completion”.

Mr. Boynes: Mr. Chairman, may I make a further suggestion for an amendment? I suggest that instead of the word “if”, the word “where” be used.

Mr. Maharaj: That does not make a difference. “If” is preferable.

Question put and agreed to.

Clause 9, as amended, ordered to stand part of the Bill.

Clause 10 ordered to stand part of the Bill.

New clause 2A.

Mr. Maharaj: Mr. Chairman, I propose a new clause 2A as follows:

Insert after clause 2 the following new clause:

2A. Section 2 of the Act is amended by inserting after the definition of “District Medical Officer”, the following new definition:

“preliminary investigation” means the examination of the report of the District Medical Officer and of any other relevant document submitted to the Coroner.

New clause 2A read the first time.

Question proposed, That the new clause 2A be read a second time.

Question put and agreed to.

Question proposed, That the new clause be added to the Bill.

Question put and agreed to.

New clause 2A added to the Bill.

New clause 11.

Mr. Imbert: Mr. Chairman, I propose a new clause 11 as follows:

Terms and Conditions of Engagement	The terms and conditions of engagement of a Coroner under this Act whether part time or full time shall be determined by the Salaries Review Commission.
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I proposed this amendment at a time when I was not clear that the coroner would be a public officer. Some public officers are subject to the CPO and some to the Salaries Review Commission. I am not sure at what rank this coroner would be. However, since the person may be part time—and this is really where the problem lies—if he is coming at the level below the threshold of the Salaries Review Commission, I would still maintain this amendment. I do not know what the hon. Attorney General has in mind.

Mr. Maharaj: My interpretation of the Judicial and Legal Service Act is that in the functions and duties as circumscribed, there can be no question of a part-time judicial officer except where authorized by statute. For example, when a judge had to be brought back on a contract, that had to be authorized. In any event, the Salaries Review Commission, by the Constitution, has the power to deal with all those matters. I refer specifically to section 141 of the Constitution and section 3 of the Judicial and Legal Service Act, which put all these matters under the purview of the Salaries Review Commission.

8.00 p.m.

Mr. Imbert: Mr. Chairman, on a point of clarification. Is the Member saying that the coroner would be employed full time?

Mr. Maharaj: Yes.

Mr. Imbert: Fine, once the Member is saying that the coroner will be employed full time, there is no problem. Mr. Chairman, I withdraw the amendment.

Mr. Maharaj: Mr. Chairman, that is how I anticipate this legislation would work.

Mr. Manning: Once there is doubt—

Mr. Maharaj: No, I am saying that in any event, if terms and conditions have to be satisfied with respect to any judicial and legal officers, it is the Salaries Review Commission who would deal with that, therefore, to have an amendment for the Salaries Review Commission to deal with part-time or full-time salaries really would not—*[Interruption]* The Judicial and Legal Service Commission does not have that power.

Mr. Imbert: Mr. Chairman, in the case of a state counsel *[Inaudible]* I am not sure that the Salaries Review Commission has any jurisdiction, it all depends on the level of the salary scale of the officer *[Inaudible]*

Mr. Maharaj: Mr. Chairman, is there an amendment to have one as a part-time officer? What is the purpose?

Mr. Manning: No, the Member is asking: What is your policy? We do not know. If one intends to have part-time coroners then one has to consider whether—

Mr. Maharaj: Mr. Chairman, I thought I explained all that already. I explained it while I was talking, I do not know if the Member for San Fernando East was not paying attention.

Mr. Manning: All right, Mr. Chairman, the Member does not have to be rude.

Mr. Maharaj: I am not being rude.

Mr. Manning: Mr. Chairman, the Member does not have to be rude. I merely asked a question, if he has explained it already he could do so again. We have a legitimate question but he does not have to address it.

Amendment withdrawn.

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

House resumed.

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

ADJOURNMENT

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that this House do now adjourn to Friday, May 17, 1996 at 1.30 p.m.

Adjournment

[HON. R. L. MAHARAJ]

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Mr. Speaker, we owed the Opposition Members a Private Members' day and we have decided to give them Friday, May 17.

Mr. Speaker, could the Opposition Members say what they will be debating on that day? *[Laughter]*

Mr. Valley: Mr. Speaker, obviously, we would be dealing with the matter which was being debated on the last Private Members' day and if that matter is completed we would start the next Private Members' Motion, if the Leader of Government Business so allows.

Hon. R. L. Maharaj: Does it qualify?

Mr. Valley: Yes, it does qualify.

Hon. R. L. Maharaj: Okay.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 8.05 p.m.