

**HOUSE OF REPRESENTATIVES***Friday, June 21, 1996.*

The House met at 1.32 p.m.

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

**Mr. Speaker:** Hon. Members, I wish to indicate that the Member for Tobago West (Hon. Pamela Nicholson) has been granted leave of absence from today's sitting.

**CONDOLENCES**

**Mr. Speaker:** Hon. Members, I wish to indicate that I was advised of the passing of the Member for Tobago West's mother and I certainly want to ask, on your behalf, that the Clerk of the House express condolences to the honourable Member on this sad occasion.

**PAPERS LAID**

1. Annual report of the Management Development Centre for the year 1991. [*The Attorney General (Hon. Ramesh Lawrence Maharaj)*]
2. Report of the Auditor General on the accounts of the Environmental Management Authority for the period July 01, 1995 to December 31, 1995. (*Hon. R. L. Maharaj*)  
*Paper 2 to be referred to the Public Accounts Committee.*
3. Annual audited accounts of the Petroleum Company of Trinidad and Tobago Limited for the year ended September 30, 1995. [*Hon. R. L. Maharaj*]
4. Report of the Auditor General on the accounts of National Energy Corporation of Trinidad and Tobago Limited for the year ended December 31, 1987. [*Hon. R. L. Maharaj*]
5. Report of the Auditor General on the accounts of National Energy Corporation of Trinidad and Tobago Limited for the year ended December 31, 1988. [*Hon. R. L. Maharaj*]

6. Report of the Auditor General on the accounts of National Energy Corporation of Trinidad and Tobago Limited for the year ended December 31, 1989. [*Hon. R. L. Maharaj*]
7. Report of the Auditor General on the accounts of National Energy Corporation of Trinidad and Tobago Limited for the year ended December 31, 1990. [*Hon. R. L. Maharaj*]
8. Report of the Auditor General on the accounts of National Energy Corporation of Trinidad and Tobago Limited for the year ended December 31, 1991. [*Hon. R. L. Maharaj*]

*Papers 3 to 8 to be referred to the Public Accounts (Enterprises) Committee.*

#### **PUBLIC ASSISTANCE (AMDT.) BILL**

Bill to amend the Public Assistance Act [*The Minister of Social Development*]; read the first time.

**The Minister of Social Development (Hon. Manohar Ramsaran):** Mr. Speaker, since 1939, the Old Age Pension Act, Chap. 32:02 made provision for visually impaired needy persons, who were 40 years and over, to receive a grant of old age pension.

In keeping with this UNC/NAR administration's philosophy of equality of treatment for all citizens of Trinidad and Tobago, it is our view that this provision discriminates against other persons with disabilities. It is for this reason that we are persuaded by the need to implement legislation which would ensure support of equal treatment to all needy persons with disabilities.

#### **1.40 p.m.**

A proposal to this effect is being submitted as one of a number of amendments to the Public Assistance Act, Chap. 32:03 as the Ministry of Social Development seeks to improve the efficiency and effectiveness of its service delivery to citizens in this area. Mr. Speaker, I have the honour therefore to introduce to this House the Bill entitled the Public Assistance (Amdt.) Bill 1996.

As regards the disability assistance grant which is now being proposed under the said Act, this Government recognizes that persons with disabilities face unique challenges to which persons without such disabilities are not exposed. Moreover, such challenges are particularly compounded by the unavailability of financial

resources. This point is made clear, when one considers the availability and cost of education for persons with disabilities: medical implements, medication, specialized materials such as braille scripts, and even transportation depending on the nature of the disability. Persons with other forms of disabilities were provided for under the existing Public Assistance Act but the quantum of the grant is less than what is now enjoyed by the visually impaired who are 40 years and over.

This administration could find no reason to continue to discriminate against persons with other disabilities by providing financial assistance at a disparate level. As a result, we propose that all needy persons 40 years and over who are visually impaired, physically challenged, mentally challenged and/or hearing impaired, who by reason of their disability are unable to earn an adequate income should receive the same benefit. [*Desk thumping*] We feel also that persons with disabilities comprise a very distinct group of citizens and a grant to this group should not be classified as a pension. In this regard, we are introducing a new category of assistance within the Public Assistance Act to cater for all persons with disabilities who are 40 years and over. This new provision will cater for a grant which is equal to that paid to old age pensioners and will be subjected to the same criteria, except age, as exist for access to the old age pension grant.

Mr. Speaker, I take pride in commending this Bill to this honourable House.

#### **OLD AGE PENSIONS (AMDT.) BILL 1996**

Bill to amend the Old Age Pensions Act [*The Minister of Social Development*]; read the first time.

**The Minister of Social Development (Hon. Manohar Ramsaran):** Mr. Speaker, one of the main safety net programmes offered to needy, elderly citizens of Trinidad and Tobago is the grant of old age pension which is paid to persons 65 years and over and who satisfy a number of specific criteria.

In 1995 over 59,000 elderly persons accessed this grant at a cost of approximately \$262 million attesting to the large number of citizens who need to rely on this vital means of social support. This notwithstanding, the Ministry of Social Development and indeed, the office of the Ombudsman have been besieged by complaints from our needy elderly folks who are debarred access to this grant through their inability to satisfy a somewhat burdensome residential criterion.

The resident criterion for access to a grant of old age pension requires that a person must have been a resident in Trinidad and Tobago for 20 years immediately

preceding the application for old age pension, with temporary absences for an aggregate period of not more than two years being permitted. In this two-year maximum period of absence, which has been a constant bugbear to citizens and to the welfare department since 1976 when the last revisions were made to the Old Age Pension Act, senior citizens who have satisfied all the other eligibility criteria, and whose reasons for being away from the country have no bearing on their socio-economic circumstances have found themselves debarred from a grant of old age pension when the aggregate of their visits abroad exceeded two years.

In anticipation of the problems which could be caused by this section of the Act, provision was made for the relevant Minister to prescribe conditions under which periods of absence in excess of two years may be allowed. In spite of the number, divisions by previous Cabinets seeking to introduce the circumstances under which absences above the two-year maximum period may be allowed, to date, no such conditions have ever been prescribed in the Old Age Pensions Regulation. What also occurred was that on the basis of one such Cabinet decision, consideration was given to claims where persons who had been abroad for periods in excess of two years used criteria which did not form part of their regulations. Moreover, consideration of these criteria posed a virtual nightmare to local boards and central Public Assistance Boards as diverse interpretations rendered the administration of these unusual cases extremely problematic.

However, in 1993, it was drawn to the attention of the then administration that such consideration had to be discontinued in the absence of the relevant amendments to the regulation. It is in this regard that this Minister of Social Development now finds himself with a lawsuit brought upon him by one of our goodly citizens who felt penalized by the inconsistencies in this system. This Government of national unity has moved swiftly since coming into office to bring forward relevant amendments to the Act and I wish at this time to present for the consideration of this honourable House, the Bill entitled the Old Age Pensions Amendment Bill 1996.

The Bill seeks *inter alia* to provide for the retention of the 20-year residence criterion with temporary periods of absence up to a fixed limit of 5 years being allowed to cover all absences irrespective of purpose. The proposal therefore lengthens the permitted period of absence and allows for no exceptions, thus simplifying the administrative process. The Old Age Pensions (Amdt.) Bill 1996 will further provide for the suspension of old age pension payments to pensioners who proceed abroad or who are housed at Government's expense at public or

state-maintained institutions for periods in excess of four months and would also allow for improvements to the life certificate system.

Mr. Speaker, at present, provisions are made for the visually impaired to access old age pension at age 40 years. In an effort to ensure equality of treatment to all persons with disabilities, I have just read the disability assistance grant which would be incorporated in a Bill entitled the Public Assistance (Amdt.) Bill 1996 and in that Bill persons with other disabilities will also be catered for.

Mr. Speaker, I commend this Bill to this honourable House.

**1.50 p.m.**

#### **ORDER OF BUSINESS**

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I beg to move that this House proceed with Motions Nos. 2 and 3 on the Supplemental Order Paper and then to Bills Second Reading.

*Leave granted.*

#### **COMMONWEALTH DEVELOPMENT CORPORATION (PRIVILEGES AND IMMUNITIES) BILL**

#### **Senate Amendment**

**The Minister of Foreign Affairs (Hon. Ralph Maraj):** Mr. Speaker, I beg to move that the Senate amendment to the Commonwealth Development Corporation (Privileges and Immunities) Bill listed in Appendix 'A' be now considered.

Mr. Speaker, as you would recall, the Commonwealth Development Corporation (Privileges and Immunities) Bill was considered in this honourable House and it received unanimous support. It went to the other place and, again, it received unanimous support. The Senate in its wisdom thought it necessary to make the amendment as outlined in Appendix 'A' which gives the Minister of Finance some measure of discretion with respect to the exemption from all direct or indirect taxes, duties, levies, deductions and other imposts of any kind imposed in Trinidad and Tobago.

As you would recall, the Bill seeks to free the Commonwealth Development Corporation from these levies. While there was general agreement in the other place that the Commonwealth Development Corporation was in fact deserving of these exemptions, it was felt that instead of giving blanket approval, the Minister of Finance ought to be given authority to grant these exemptions.

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In addition, it was also suggested—and as is revealed in the amendment—that in respect of the operations of the Commonwealth Development Corporation, it must satisfy the criterion of being of assistance to the development of the economy of Trinidad and Tobago, which is really included in the Operations Agreement.

In order to ensure that whatever the Commonwealth Development Corporation does is in consonance with the agreement and is in fact supportive of the economic development of Trinidad and Tobago, it was felt that this should also be included.

Mr. Speaker, I commend the amendment to this honourable House, and I beg to move.

*Question proposed.*

*Question put and agreed to.*

*Schedule.*

*Senate amendment reads as follows:*

Delete paragraph 2 and substitute the following:

The Minister of Finance may grant exemption to the Corporation in respect of its operations in Trinidad and Tobago, that assist the development of the economy of Trinidad and Tobago, from all direct or indirect taxes, duties, levies, deductions and other imposts of any kind imposed in Trinidad and Tobago.

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

*Question proposed.*

*Question put and agreed to.*

#### **CORONERS (AMDT.) BILL**

##### **Senate Amendment**

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I beg to move that the Senate amendment to the Coroners (Amdt.) Bill listed in Appendix 'B' be now considered.

*Question proposed.*

*Question put and agreed to.*

*Clause 8.*

*Senate amendment reads as follows:*

Delete clause 8 and renumber clauses 9 and 10 as 8 and 9 respectively.

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

*Question proposed.*

*Question put and agreed to.*

#### **PROTECTIVE SERVICES (COMPENSATION) BILL**

**The Minister of National Security (Sen. The Hon. Brigadier Joseph Theodore):** Mr. Speaker, I beg to move that a bill entitled, "An Act to provide for the payment of compensation to officers of the protective services who suffer injury or die in circumstances arising out of and in the course of employment with the state" be now read a second time.

This Bill is a tangible recognition of the need for compensation for the grave risks which members of the protective services are faced with daily, in the execution of their duties. The issue of compensation for officers who are injured or who die in the course of duty is one that has engaged the attention of successive administrations for almost 20 years. In spite of the fact that since February 1985 Cabinet had instructed that laws be drafted to address the issue of death and injury benefits for members of the protective services, this is the first time since then that parliamentary sanction is being sought in Trinidad and Tobago for such measures.

The object of this Bill is to institutionalize a compensation programme for officers of the protective services, namely, the Police Service established under the Police Service Act, Chap. 15:01; the Prison Service established under the Prison Service Act, Chap. 13:02; and the Fire Service established under the Fire Service Act, Chap. 35:50 who receive injuries or die in circumstances arising out of, and in the course of their employment with the state.

Mr. Speaker, it is important that I now bring to the attention of this House and to hon. Members, the written law governing injury or death of members of the protective services during the course of duty.

The Police Service: Sections 9 and 10 of the Sixth Schedule of the Police Service Act deal with injuries and death during the course of duty.

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According to section 9, a police officer who is permanently injured is entitled to a monthly allowance based on the level of his disability in addition to any pension or gratuity which has been granted to him. However, it should be noted that the process is complex, burdensome, lengthy and often not financially satisfactory to the officers affected. The officer has to establish that he has been permanently injured:

- i) in the actual discharge of his duty
- ii) without his own default
- iii) by some injury specifically attributable to the nature of his duty.

In addition to this, depending on the nature of the injury, the officer may receive as little as one-twelfth of his monthly salary together with his pension.

I say this again, Mr. Speaker, the officer may receive as little as one-twelfth of his monthly salary, together with his pension.

**2.00 p.m.**

Mr. Speaker, section 10 of the Sixth Schedule of the Act deals with pensions and gratuities to the dependants of police officers killed in the line of duty. The same criteria used for establishing permanent injury are applicable. At best, the widow/dependants may receive a small grant and a pension as may, from time to time, be fixed by the President. In addition, Mr. Speaker, it should be noted that under the Workmen's Compensation Act Chap. 88:05 section 2, police officers are not categorized as workmen and as such are not the beneficiaries of the provisions that provide for compensation for injuries and death under that Act.

Secondly, in the case of the Fire Services, the provisions as set out in sections 8 and 9 of the Fifth Schedule of the Fire Services Act, Chap. 35:50 are identical to those set out in the Police Service Act.

Thirdly, there are no comparable provisions in the Prison Service Act, Chap. 13:02. However, death in service is dealt with under section 22 of the Pensions Act Chap. 23:52 and the former Deceased Officer's Salary Ordinance, section 2 Chap. 9:10. (This is now section 32 of the Civil Service Act Chap. 23:01). Injury in the course of duty is provided for under Regulation 13 sub-regulation 1 of the Pensions Act.

That, Mr. Speaker, is the state of the written law as it relates to compensation for members of the Protective Services who die or are injured in the course of



duty. It is an unsatisfactory situation since the existing legislation does not adequately cater for the members of the Protective Services or their dependants when such members are injured or killed in the course of duty. With the passage of time, however, this became an issue for negotiation between the representative Associations and the Government.

In a Note to Cabinet dated August 4, 1983, Mr. Speaker, the Chief Personnel Officer informed the Cabinet that broad agreement had been reached with the respective Associations on general principles relating to compensation for death or injury sustained by officers of the Protective Services in the course of duty. As a result, Cabinet Minute 2289 of August 11, 1983, agreed that the benefits for members of the Protective Services, excluding the Prison Service, who die from causes arising out of and in the course of their employment, should be an amount equal to three years' basic salary at the date of death, as well as entitlements provided under the respective Acts to which I have referred. These benefits were to be administered by an Injury Board which, incidentally, was never established.

In other words, Mr. Speaker, the additional benefit was the payment of three years' salary. In the specific case of the Prison Service, Cabinet agreed that the dependants of a prison officer who died in the course of duty would be entitled to an amount equal to three years' basic salary at the date of death, as well as the entitlements provided under the Pensions Act Chap. 23:52.

Cabinet Minute 2289 of 1983, which is the same one I referred to earlier, also dealt with the question of injuries sustained during the course of duty. In the case of the police and pursuant to Memorandum of Agreement between the Government and the Trinidad and Tobago Police Association (Second Division) dated April 18, 1984, officers became entitled in the case of injury to—

1. The benefits provided under the Police Service Act
2. A percentage of the three years' basic salary using the formula in the Second Schedule of the Workmen's Compensation Act Chap. 88:05
3. National Insurance Medical and Injury Benefits, and
4. Full pay during the period of injury once the leave was certified by a medical practitioner and approved by the Injury Board.

The benefits available to Fire Officers, pursuant to Cabinet Minute 2289 and

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Memorandum of Agreement dated May 16, 1990 between the Government and the Fire Service Association are again identical to those of the Police Service with the obvious exception that fire officers would also be entitled to benefits under the Fire Service Act.

With respect to injuries sustained during the course of duty by members of the Prison Service, Cabinet agreed that such persons would be entitled to—

1. The benefits provided under the Pensions Act Chapter 23:52
2. A percentage of the three years' basic salary using the formula in the Second Schedule of the Workmen's Compensation Act
3. National Insurance Medical and Injury Benefits, and
4. Full pay during period of injury once the leave was certified by a medical practitioner and approved by the Injury Board.

Mr. Speaker, while most of the provisions of Cabinet Minute 2289 regarding compensation have been applied, legislative sanction was never sought even though, as mentioned before, as far back as February 1985, Cabinet had instructed that the appropriate laws be drafted. Indeed, several drafts have seen the light of day, but the exercise was never finalized by presentation to Parliament. In the interim, Mr. Speaker, whenever a case of injury or death in the course of duty has arisen, a note has to be prepared seeking Cabinet approval to implement the provisions of Minute 2289. This burdensome procedure could have been eliminated had the relevant provisions been enacted. Additionally, the trials and tribulations which the dependants of those officers who die in the course of duty undergo, during this time-consuming exercise cannot be understated.

Mr. Speaker, in acknowledgement of the risks that members of the Protective Services face daily, this Government, through this Bill is now seeking to do what previous administrations have failed to do. *[Desk thumping]* We wish to enshrine into law the benefits that should be granted to members of the Protective Services in respect of injury or death, arising out of and in the course of employment. *[Interruption]* It is anticipated that the institutionalization of this compensation programme will reduce the bureaucracy involved in processing claims by the establishment of the appropriate administrative framework for the operation of the Bill which consequently, will expedite the payment of compensation. *[Interruption]*

Where possible, Mr. Speaker—if I am reaching you above the din—the Bill at hand also seeks to widen the ambit within which claims can be made. According to this Bill, officers who are injured or die in the course of duty and their dependants are now restricted only to claims under the Police Service Act, the Prison Service Act, the Fire Service Act and the National Insurance Act.

It should be noted that the Bill also proposes to regularize the computation of benefits of the members of the Protective Services and as such the Prison Service will not be a separate entity.

Whereas Cabinet Minute 2289 sought to establish an Injury Board with responsibility for the administration of the compensation scheme, this Bill proposes to establish a Compensation Committee to generally adjudicate on claims. The committee, it is proposed, shall comprise five persons inclusive of two attorneys and two medical practitioners, as opposed to one of each on the Injury Board. It is expected that the new composition of the committee would facilitate expeditious and judicious deliberations.

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

According to clause 3(2) of the subject bill, "Any award of compensation under this Act, shall be a charge on the Consolidated Fund." Under the existing circumstances, however, in order to effect payments, one has to forage into the budget allocated to the Ministry or as has happened on several occasions, a warrant has to be issued for an advance from the Contingency Fund.

While I have dealt extensively with certain provisions of the Bill, with your leave I now wish to guide hon. Members quickly through the other clauses.

Clauses 1 and 2 provide the short title and definition clauses of the Bill.

Clause 3 places the onus on the state to pay compensation in given circumstances.

Clause 4 identifies four categories of persons who are entitled to make a claim for compensation and it provides for the period of time within which such claim may be submitted.

Clauses 5 to 12 provide for the establishment of the Compensation Committee and for its operations. Safeguards to ensure that the integrity of the system is maintained are exemplified by Clause 8 which states as follows:

"A member of the Committee who has any interest in a matter before the Committee, shall be disqualified from all sittings on such matter."

Furthermore, the Committee is under an obligation to state in writing its reasons for the refusal or award of compensation where such is the case.

Clause 13 defines the functions and jurisdiction of the committee. The committee shall be responsible for receiving, investigating, hearing and determining claims for compensation. In determining a claim the committee shall take into account any contributory negligence of the claimant and any payment gratuitously made to a claimant by the state in connection with the same matter. Unlike the Injury Board mentioned before, the committee by Clause 13(5), is bestowed with the power of a court of civil jurisdiction under the Summary Court Act, Chap. 4:20.

According to Clause 14, the committee has the authority to make and publish its own rules of procedure. However, unlike the Industrial Court, it is strictly bound by the rules of evidence applicable to a court of civil jurisdiction.

Clause 16 establishes the right of appeal by a claimant within six weeks of the determination of the matter by the committee. It is noteworthy that the Appeal Court is not bound merely to adjudicate on points of law as is provided for by Cabinet Minute 2289. According to Clause 16(2)(c) the Court of Appeal has power, "to make such finding or other Order as the circumstances of the case require."

Clause 17 states that a claimant who has a matter before the courts for negligence or under The Compensation for Injuries Act, and such a claim also falls within the purview of the committee, then the claimant must discontinue those proceedings before he can have redress before the Compensation Committee. This provision will further facilitate the expeditious resolution of claims.

Clause 18 makes the committee accountable to Parliament by the submission of an annual report to Parliament.

Clause 19 details the manner in which claims arising before the enactment of this Bill would be dealt with. All claims occurring prior to the hopeful enactment of this Bill shall be treated in accordance with the agreements executed between the Government and the associations representing the different divisions of the protective services, several of which have been mentioned before. Where there are

no such agreements, the same principles that currently apply would become applicable.

Clause 20 seeks to preserve benefits payable to officers in respect of personal injuries or death under various other written laws.

Clause 21 empowers the Minister of National Security to amend the Schedules by adding any other service or benefit as the case may be.

It should be noted that the list of the types of claims that the committee can deliberate on has been increased in the Second Schedule of this Bill. According to Minute 2289, officers who died or sustained injuries as a result of "...an insurrection, mutiny, military or usurped power, military or popular uprising" would not have been entitled to redress before the Injury Board. The removal of these restrictions in this Bill now makes it possible for such claims to come before the committee. This is significant since police officers died and several sustained serious injuries in the course of duty during the 1990 insurrection.

Additionally, the elimination of claims arising out of pregnancy or child birth from those exceptions listed in clause (d)(ii) of the Bill means that the committee will now be free to deliberate on such claims and remove this bias against women.

It is also incumbent on me to make mention of the special reserve policemen and women, a group of dedicated officers who have played a critical role in supplementing the efforts of the regular police service. They have not been included in this legislation since provision is made for them in section 19 of the Special Reserve Police Act, Chap. 15:03 which states as follows:

"Members of the Special Reserve Police shall not be regarded as Workmen for the purposes of the Workmen's Compensation Act, but the principles of that Act may be followed in computing compensation granted under this Act in respect of permanent disability or death."

Furthermore, section 22 of The Special Reserve Police Act provides that the Minister may make regulations to give effect to the provisions of the Act including such matters as death and injury benefits as provided for in section 22(2). These Regulations have been drafted and pending completion of the necessary negotiations, will be before Parliament shortly.

This Bill has been brought to Parliament in recognition of the Government's deep concern for the growing risks and dangers to which members of the

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protective services are exposed in the day-to-day execution of their duty. This has been evidenced by the several casualties and deaths suffered by members of the protective services, in particular police officers, in the execution of their duties. Between 1968 and 1995, 37 officers of the protective services died in the course of duty; 27 police officers; seven fire officers and three prison officers. Between 1983 and 1995, at least 23 fire officers from the First and Second Divisions sustained serious injuries in the course of duty. To date, these fire officers have received no compensation. Records indicate that since 1968, at least 53 prison officers sustained injuries in the course of duty.

As a responsible Government, we have moved expeditiously to institutionalize the arrangements for compensation for the protective services so that claimants have their rights protected by the law. Such measures as contained in this Bill must certainly give greater peace of mind and enhance the morale of members of the protective services as they go about their business of ensuring that there is law, peace and order in our nation.

Mr. Speaker, I beg to move.

*Question proposed.*

**2.20 p.m.**

**Mrs. Camille Robinson-Regis** (*Arouca South*): Mr. Speaker, before I get into the meat of my contribution, I congratulate the Minister of National Security on the reading of his contribution.

We on this side are of the view that this piece of legislation, in effect, codifies an activity which has been taking place in the Ministry of National Security for several years. It just codifies an administrative procedure.

It is interesting that the Minister, in the style of his other UNC colleagues, sought to begin his contribution by attacking the NAR administration for their not dealing with this issue. It is reminiscent of their attack on the NAR with regard to their dealing with the Amoco contract. And, it is symptomatic of the type of disunity which they have displayed over the past few weeks in particular.

Mr. Speaker, I have certain concerns as it relates to this particular piece of legislation. I do not know if I heard the Minister correctly—and if I did not, I am sure he will correct me—when he indicated that this piece of legislation will deal with persons who may be, or have been, affected by an insurrection or a coup

which may take place within Trinidad and Tobago, and where any of the members of our protective services may be injured.

However, if my reading of the Bill is correct, the Second Schedule sets out quite clearly the benefits that should be granted in respect of injury or death arising out of and in the course of employment. It states that:

"(a) Compensation for death arising out of..."  
employment and so forth.

"(b) Compensation for permanent total disablement..."  
and

"(c) All necessary injury leave..."

and so forth.

However, the second part of that Schedule is headed:

"Claims in respect of benefits for death or injury which should not come under the jurisdiction of the Committee."

That section outlines:

"(d) Those claims which are occasioned by or have happened through the following circumstances:

- (i) war, invasion, act of foreign enemy, hostilities (whether war be declared or not) civil war, rebellion, revolution;"

Mr. Speaker, as far as I read this part of the Second Schedule, it appears to me that persons who are members of the protective services and are injured during civil war, rebellion or revolution, cannot make a claim under this piece of legislation. The Minister specifically stated that a claim can be made under this piece of legislation.

I am concerned that such a statement should be made in light of the fact that the legislation which is before the House specifically excludes claims in respect of—and I repeat—civil war, which is equivalent to a coup; rebellion, which may be equivalent to a coup; or revolution, which, again, may be equivalent to a coup.

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I am concerned that the Minister of National Security should come before this House and make the statement that this piece of legislation would deal with those persons who have been so affected.

Mr. Speaker, that is of paramount concern to us on this side, especially given the fact that over a period of time—and the Minister has stated that—persons will be able to claim under this piece of legislation. He also stated that there are persons who were affected, particularly by the coup of 1990 and who may want to claim. There has been a situation where persons who were affected by the 1990 coup brought their matters before the Cabinet of the 1991—1995 government of Trinidad and Tobago, and in circumstances where they could have been assisted.

Mr. Speaker, I would like to point out that the effect of the coup did bring certain hardships to several families in Trinidad and Tobago whose heads of households or whose breadwinners were members of the protective services. In one particular instance that came before the Cabinet of that period, two children of an officer who was killed in the attempted coup, were found to be going astray because, with the death of their father, they were having difficulty making ends meet.

When the matter came to the attention of the then Minister of Social Services, it was immediately brought to the Cabinet of the day, and mechanisms were put in place to ensure that those children were able to go to school and were well taken care of. A responsible and caring action which took place even though the agreement to which the Minister referred—that agreement of 1983 which is in fact what is codified here—did not permit for any kind of claim or compensation to take place as a result of a coup or an attempted coup. The Cabinet of the day decided to deal with that given the circumstances in which those children found themselves.

**2.30 p.m.**

**Mr. Speaker:** I think it is necessary for me to bring to the notice of the Members for La Brea and Caroni East, that it would be polite for us to hear the Member for Arouca South without their contributions which they will have an opportunity of making.

**Mrs. C. Robinson-Regis:** In addition to that, there is also the situation of one officer who is partially disabled because of the loss of a leg. His matter was also brought before the Cabinet and dealt with in terms of providing compensation in a



situation where the prosthesis that he got did not work properly. The Cabinet took the decision that he should be given enough money in order to ensure that he got a proper prosthesis.

It is interesting to note that the Government of the day has come to the Parliament and said that this legislation will assist those people. It is interesting to note because one of the persons who was affected by that attempted coup sits in the Cabinet of today, and would allow or endorse a piece of legislation which does not provide for those circumstances to go through the Legislative Review Committee, to go through the Cabinet and not specify that persons affected in those circumstances should, in fact, be compensated. I would really like to hear the Minister's further explanation for a situation in which members of the protective services will most likely be injured. Of course, there will be circumstances where, in the pursuit of a criminal or in other pursuits, an officer of the law may be injured. It is laudable that the legislation should be before the Parliament but, it is imperative that that aspect of the legislation should be re-examined.

The Minister also indicated that regulations to give effect to the Bill are being drafted and will be brought before the Parliament. It is clear if the regulations are not prepared in a timely manner despite the fact that this piece of legislation may be passed, that it will be of no use unless regulations are put in place in order to give effect to the clauses in this piece of legislation.

There is also the concern that the Minister has indicated that this piece of legislation will serve to reduce the bureaucracy in the system. However, if we look at the clause which deals with the setting up the functions and jurisdictions of the committee it states in clause 13(1):

“The functions of the Committee shall be—

(a) to receive, investigate, hear and determine claims for compensation...”

One of the concerns raised was that there is no time-limit for this type of investigation and determination to take place, and in circumstances where we are dealing with persons who have been injured or persons who may have died, it is important that these matters be dealt with as expeditiously as possible. The type of committee that has been set up is one that is quasi judicial in nature and consequently it may have the effect of setting up a parallel court system where, over a period of time if limits are not set, there may be a situation developing where backlogs start to occur, and consequently an entire court system and an

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entire new layer of bureaucracy will exist and will lead to a lengthening of the process as it now exists. That is of serious concern to us on this side. We are also concerned that in the setting up of the committee, the President, as stated in the legislation will in effect be the Cabinet. The Cabinet will be the body that will appoint the members of this committee. Clearly, the concern must be raised of political interference because we have seen a situation developing in Trinidad and Tobago presently where political interference in most things, whether they be non-political or not, seems to be the order of the day with regard to this particular Government.

Mr. Speaker, when we see legislation that gives the Cabinet, particularly this Cabinet, the power to appoint persons to form a committee to deal with peoples' interest, then alarm bells instantly and immediately ring.

Let us take a hypothetical case where political interference may be seen. Let us assume that an officer investigating an issue where a Cabinet Minister is involved with a businessman who imports or exports drugs; it may be a situation where this particular officer is injured in the pursuit of his duty, his matter comes before the committee which has been set up by the Cabinet of the coalition Government and on instruction it is stated that the committee which is politically influenced should not deal with this particular matter—the innocent police officer having been injured in the pursuit of this particular circumstance may be a victim of political victimization.

**2.40 p.m.**

This is a hypothetical case. I am bringing to your attention what could take place if this Cabinet particularly is allowed to appoint the person who would run this committee. This may be a serious problem and a matter in which political manipulation and victimization could and may in fact take place. In effect, what the legislation would do by giving Cabinet the power to appoint the committee without reference to any other body, is setting up a system where separation of powers may be clouded. We must take this situation very seriously.

We also see a situation in this particular piece of legislation where it states that it would come into effect on a proclamation by the President. Clause 22 states:

“This Act shall come into operation on a date to be fixed by the President by Proclamation published in the *Gazette*.”

In circumstances where the Minister had indicated that several members of the protective services are now labouring under the inability to get fair or adequate compensation, it seems quite strange that the Act should have a commencement date as a date to be fixed some time in the future, as a date of proclamation. The Act would never be workable if it is not proclaimed. There are two circumstances which may make the Act unworkable. If it is not proclaimed and the regulations are not—as the Minister promised—brought before the Parliament, or if the regulations are never made. It is imperative that we have an idea of a time-frame within which the proposed regulations are to come before this Parliament and this piece of legislation would be proclaimed.

I am concerned with certain aspects of the Bill after looking through it clause by clause. Unlike the Workmen's Compensation Act which has been dubbed employee friendly, where once an employee is injured in the pursuit of his employment he is entitled to compensation, on the contrary, this piece of legislation does not allow an immediate entitlement. It seeks to insist that the injured person or the relatives of the dead person must prove that he is entitled to this compensation. It would seem to me that persons who risk their lives on a daily basis to protect citizens of this state should be given an easier mechanism for claiming compensation when they are injured, or for the families claiming compensation on the death of a member of the protective services.

It is also interesting that clause 14 deals with the committee which is being set up and allowed to make its rules. There is the stricture that the rules must conform with the rules of evidence. However, there is no indication whether given the fact that the committee has the jurisdiction of a summary court, the Rules Committee of the Supreme Court or any other thus constituted body would examine the rules to ensure that they are fair and could reflect the type of activity by this committee, as would be warranted for it to carry out its duties and operate within a particular jurisdiction. I would appreciate hearing what mechanism would be put in place to ensure that the rules of the committee are of a particular level.

The other question that I would like answered is whether a policeman or other member of the protective services who may be injured when he is technically off duty and in the course of protecting a citizen of Trinidad and Tobago, can claim under this piece of legislation. Whereas in other types of employment there are hours of employment or specific mechanisms for indicating when that person is employed, with regard to a police officer, particularly, he/she is in fact always on duty. It may be a circumstance where he has gone off duty in the technical sense,

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but because of the fact that he is always on duty, he may go to the assistance of a member of the public and may be injured while doing this. What would take place in those circumstances? We would need an explanation or some elucidation as regards that situation.

**2.50 p.m.**

We are of the view that the public and the Government must have confidence in its protective services and must do all in its power to provide adequately for them. We on this side are trusting that the issues that we have concerns about in this piece of legislation; those issues dealing with the risk to an officer who may be technically off duty and who may be injured, whether he can in fact claim; the issue of the Bill indicating in the Second Schedule that claims in respect of benefits during rebellion, revolution or civil war not coming under the jurisdiction of the committee; the issue of the possibility of political manipulation in terms of the appointment to the committee that will in fact sit; the issue of the possibility that another level of court and therefore another level of bureaucracy may in fact be set up through this legislation; would be dealt with in some explanation from the coalition so that we can feel a little more comforted that the legislation will do what in principle it is here to do.

Mr. Speaker, I thank you.

**The Minister of Legal Affairs (Hon. Kamla Persad-Bissessar):** Mr. Speaker, permit me to congratulate the hon. Member for Arouca South on her sterling contribution in this debate. Once again she has demonstrated that “woman is boss” and the new leader of the PNM will be the Member for Arouca South.

Regrettably, I would have to say that this Bill is another glaring example of the abject failure of the PNM to accord equality of treatment to persons who each day risk their lives in this nation to protect and serve. The PNM failed for 36 years, from 1960, to accord members of the protective services equality of treatment under the law. I say this because since 1960, under the Workmen’s Compensation Act, ordinary workmen in this country who were injured or who died during the course of their employment, were entitled to compensation under the Workmen’s Compensation Act. However, members of the protective services, such as persons that this Bill now seek to compensate, were excluded from the purview of the Workmen’s Compensation Act. They were not given equality of treatment in terms of accessing compensation under the law.

This UNC/NAR Government has taken the bull by the horns and we are now giving to the members of the protective services a right under the law. It is not true to say that this Bill is seeking to codify an administrative procedure, because the practice that obtained was one where if a member of the protective services was injured or died during the course of his employment, the Cabinet of the country had a discretion to award an *ex gratia* payment to him or to his dependants. In that sense, what the officers would have had was something based on a discretion. This Government is now putting this into place, not codifying any practice or procedure. We are giving a right to members of the services who may be injured or who may die during the course of their employment. This is not a favour that a member of the protective services has to come to the Cabinet of the country to beg for when he is injured on the job. When this Bill becomes law, this will be a legal right just like other workmen had and still have under the Workmen's Compensation Act.

The hon. Member made mention of regulations to be made under this Bill when it becomes an Act and again, with the greatest respect to her, no regulations are required in law under this Bill, so that will not delay implementation. What is needed is before the House today—this Bill and the provisions within the Bill.

**Mrs. Robinson-Regis:** My comment on the regulations was based on the fact that the Minister of National Security indicated that the regulations would be laid before the Parliament. He said:

“Regulations to give effect have been drafted and will be before the Parliament.”

Based on his indication, as happens in debates, I responded to what the Minister said.

**Hon. K. Persad-Bissessar:** Mr. Speaker, we can clarify that very easily by looking at the *Hansard* record of what the Minister said. He said:

“Members of the Special Reserve Police shall not be regarded as workmen for the purposes of the Workmen's Compensation Act, but the principles of that Act may be followed in computing compensation granted under this Act in respect of permanent disability or death.”

He went on further:

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“Section 22 of the Special Reserve Police Act provides that the Minister may make recommendations to give effect to the provisions of the Act including such matters as death and injury benefits as provided for in Section 22(k) and (f).”

Mr. Speaker, the regulations referred to were under that Act—the Special Reserve Police Act—not this Bill. The hon. Minister of National Security is not one to mislead this House, and the *Hansard* record will clearly show that the hon. Minister of National Security made no mention of regulations under the Bill before the House.

**3.00 p.m.**

The hon. Member for Arouca South, Mr. Speaker, further, spoke about rules. She said—quite correctly—that clause 14 of the Bill makes provision for, and I quote:

“The Committee shall make and publish its own rules in the *Gazette* for the procedure to be followed—”

The hon. Member indicated that she was concerned about the level of rules this committee would make, and whether—since the Rules Committee would not vet the rules made by the committee under this Bill—those rules would be of a proper level, if I am quoting her correctly, and would, therefore, be something which would stand scrutiny and be of benefit to the operation of the law.

Mr. Speaker, that is a concern which can be cleared up quite easily. With respect, the hon. Member would know that if a committee is given powers to make rules under any statute, it must act within the four corners of the statute to give effect to it under which it got its rule-making power. Therefore, if the committee makes rules that fall outside the bounds of the statute—in other words, if the rules are *ultra vires* the statute—they would be null and void and would be struck down in any court of law. [*Desk thumping*]

**Mr. Maharaj:** That is lawyer!

**Hon. Member:** That is lawyer “poopa”! [*Interruption*]

**Mr. Maharaj:** Where they get those lawyers on that side?

**Hon. K. Persad-Bissessar:** Mr. Speaker, I trust that would put the hon. Member’s concern, with respect to rules, at rest.

Further, this point came up before, and I suppose it would come up again on many occasions: The hon. Member expressed concern that the committee would be appointed on the recommendations of the Cabinet; she said that it is to be appointed by the President and, in that respect, it would be on the recommendations of the Cabinet. She was also concerned about political interference when the Cabinet makes those recommendations.

I have said it before in this honourable House, and I will say it again—in this particular statute, it is very clear—that there is another jurisdiction to which an aggrieved person can go. If it is that this committee acts unfairly, the aggrieved person has recourse to the Court of Appeal. Mr. Speaker, that provision is expressed within the statute. Therefore, to say that there would be political interference—Mr. Speaker, in any society, and especially in small societies, any adjudicating body could be accused of political interference and they could be accused of bias. That is why there are checks and balances within the system of justice to make-up for, to correct and redress, any bias or imbalances that there may be. In the ordinary course of justice in this country, the system of justice is such that if an aggrieved person is not happy with a decision of one judge or magistrate, he can then go to the Court of Appeal where there are three judges, after which he can even go further. He can take his matter to the Privy Council where there are several judges sitting on that panel.

In the same way, if there is bias on the part of any committee—for whatever reason—that sits in the role of a judicial tribunal, the committee must act fairly, without bias and, as I have said, it must act judicially. If the committee fails to so act, then whatever decision it makes will be struck down. That is why an aggrieved person can go before the Court of Appeal to seek redress if it is that he feels he is unfairly treated by the tribunal. Mr. Speaker, again, that concern can be dealt with.

The hon. Member did not make any counter suggestions as to—if she was unhappy with such a committee—what she felt would have been a fairer way of looking at it. My respectful submission is that regardless of how the committee is appointed and who is put there, that element of bias operates at all levels of the society which can be corrected by going to the next level, where the checks and balances are placed in the system.

Mr. Speaker, this piece of legislation is long overdue in all jurisdictions. This is a very simple piece of legislation for the benefit of members of our protective

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services and their dependants, in cases where officers die or are permanently disabled in a way that they cannot operate and carry out their duties.

The PNM Members asked that we give them credit and so forth. Mr. Speaker, I would give them the credit because when we came into office in November there was a draft piece of legislation, and as the Minister of National Security has pointed out, that legislation was there since the 1980s. As I said, they had a draft piece of legislation, but we sat for six months—from November to April—on the Legislative Review Committee, together with the hon. Attorney General and other Members of the Government, and went through this piece of legislation with a fine tooth comb. I remember when the budget was taking place we were having committee meetings in the committee rooms on this Protective Services (Compensation) Bill. We were concerned that members of our protective services were being discriminated against, in that, they were not being given compensation as a right and entitlement. We were very sure, even though it took from 1980 until 1996, that this Government would bring that legislation to Parliament at the earliest possible opportunity and that is what we have done today. [*Desk thumping*]

Mr. Speaker, in that sense, we on this side, totally appreciate and understand that Members on the other side cannot object to this Bill. They must support it because they spent years working on it, but failed to bring it to the House. I suspect that they would want to thank us for completing and bringing to fruition, work that was started by them, so that members of our protective services could get compensation in the same way as ordinary workmen, under the law.

I would like to point out that when we came into office in November last year and saw this draft legislation—from November, until fairly recently—the hon. Attorney General, the Minister of National Security and the CPO's office held consultations with the relevant associations for the various services, until we finally came up with the formula that is within the Bill before this honourable House.

However, there was one provision that the associations requested which we have not included in the Bill. They asked for the assurance that occupational diseases should be included as an area for compensation within this Bill. However, as hon. Members would see, this has not been included because we felt that was an area that could be taken up in another piece of legislation, with which the hon. Attorney General is presently dealing. Cabinet has given the assurance that the question of compensation for occupational diseases would be dealt with in the



1996 Occupational Safety and Health Bill, which would come to this House sometime during this year. Therefore we would address the concern raised when we deal with that bill.

The Hon. Minister of National Security pointed out that this Bill provides compensation for members of the protective services—police, prison and fire officers—if they are injured or die in circumstances arising out of, or in the course of their employment. For some reason the Acts which regulate these protective services—the Prison Service Act, Police Service Act and the Fire Service Act—whilst they provide for recruitment and service of these officers, they fail to provide for them and their families, in circumstances where, through the course of their employment, they become totally or partially unable to work.

**3.10 p.m.**

Mr. Speaker, the kinds of injuries which the Act seeks to give compensation for are external and physical. In other words, we are talking about burns, broken or lost limbs in the case of the fire officers; stab or gunshot wounds and broken bones in the case of prison and police officers. These are the sort of injuries that one would foresee as a matter of common sense if we thought about the nature of the jobs which these men and women have to do in the protective services but, thus far as I have said, regrettably legislation has failed to specifically provide for compensation in these cases.

In yesterday's *Newsday* of June 20, 1996 an article on page 4 described the case of a police constable who was shot in the hip and how two police officers from the Arima task force were injured in attempting to apprehend a suspect. One of the officers received a gunshot wound, and the other received head injuries which needed surgery. Mr. Speaker, as a result of this piece of legislation, persons such as those in the protective services who are injured in the course of their duty will be able to access compensation and that will be theirs as of right.

Mr. Speaker, as the hon. Minister for National Security has pointed out in the past, the practice was that an *ex gratia* payment was made in the case of death whilst on duty, and usually a sum of three years salary was awarded. This had to be approved in each individual case. That is to say, every case of death whilst in the course of employment had to go before the Cabinet and each one had to be approved on an individual case basis. This meant hardship for the claimant's family and these could have been dealt with clearly within a legislative framework. Officers who had been sufficiently injured so as to render them unfit for work, or

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for more than part time and very light work, got no compensation at all under the existing scheme of things. That is to say, they might have been partially injured and unfit for their duty but they may be able to work elsewhere. They got no compensation as far as I understand it. So that the Bill makes provision also—whilst the query has been raised as to the date of proclamation—in clause 19 for cases occurring prior to this piece of legislation being proclaimed and which is part of our law, and if I may read clause 19 it says:

"All claims in respect of personal injury or death of an officer, occurring prior to the coming into operation of this Act, shall be treated in accordance with—

- (a) agreements executed between the Minister of Finance and the Associations representing the different Divisions of the Police Service, Fire Service and Prison Service;
- (b) the same principles applicable before the coming into operation of this Act, where there are no such agreements."

So that all those officers who may have been entitled to compensation with the coming into force of this Act because it occurred prior to proclamation are not being left out. They are included in clause 19 as being eligible to compensation under existing agreements and if there were no such agreements, under the principles that operated prior to the coming into force of the Act. So once the Bill becomes law, any accident occurring thereafter, the officers of the protective services would be entitled to compensation as of right, prior to the date of proclamation, by virtue of the provisions of clause 19.

The hon. Member for Arouca South further raised the concern that officers who may receive injury or who may die during war; invasion; act of foreign enemy; hostilities whether war or not; civil war of rebellion; revolution; suicide; attempted suicide and so forth, these claims would not come under the jurisdiction of the committee which would be set up under this piece of legislation. Mention was made that the hon. Minister of National Security had said that persons such as in the attempted coup of 1990 would be able to access compensation. It is very clear that again, perhaps the hon. Member on the other side was looking at the first draft of this Bill, that is to say the PNM's draft because that draft which we found excluded—

**Mrs. Robinson-Regis:** Will the hon. Member give way?

**Hon. K. Persad-Bissessar:** Certainly, Ma'am.

**Mrs. Robinson-Regis:** Mr. Speaker, I would like to indicate that the Bill that came to me through the Parliament—I do not know if the coalition has sent the PNM Members the PNM draft and they have the UNC/NAR draft—is entitled "The Protective Services (Compensation) Bill 1996". This is what we have so I would like to know.

**Mr. Speaker:** I think that for the sake of the record, documents that go to Members would not go from one side or the other. They will go from the Parliament and we accept responsibility for them. Insofar as there are problems, we would deal with that but I just wish to assure you that the documents you would have got with respect to this Bill would not have come from the Government side, but indeed from the Parliament which is slightly different.

**Mrs. Robinson-Regis:** I am aware of that.

**Hon. K. Persad-Bissessar:** Thank you very much Mr. Speaker for that clarification. May I say from this side that I did not send any copy of the draft of the Bill to the hon. Member. I would have thought that as the Member of the PNM and of the last Government, that they would have shared with her documents that were common amongst them and which belonged to them.

That first draft, which was the PNM's draft had excluded insurrections; mutiny; military or usurped power; military or popular uprising; so that an insurrection, or an attempted coup like in July of 1990 were excluded from the draft which we found when we came into office in November 1995. However, we are of the view that to so exclude officers who might be injured or who would die where there was an insurrection; a mutiny; military usurped power; and military or popular uprising from accessing compensation under this Bill would have been an injustice to those members of the protective services so we have deleted from that draft those words. And we did that also because on the basis of the consultations which we had with the relevant associations of the protective services, they had also been adamant about the law to exclude persons who may be so injured, or who may so die, from accessing benefits and compensation under this Act.

**3.20 p.m.**

So that we removed those, and those which remain are: war, invasion, act of foreign enemy, hostilities, civil war, rebellion, revolution, suicide, attempted suicide, venereal disease and so forth. Those injuries or death arising have been excluded. I am sure the hon. Members would understand that this Bill does not

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seek to cover that kind of contingency. It is very much like any other insurance policy or any kind of compensation scheme. They never cover acts of God, war or invasion. So these were left out of the purview of this Bill. It is not for that purpose. Other arrangements would have to be made with respect to those kinds of situations.

Mr. Speaker, we are very clear that this particular Bill seeks to make provision for a deficiency that exists in the law with respect to those who protect and serve and all those who are members of our protective services. It is interesting to note—and I have mentioned this before—that by clause 16, an applicant who is making a claim under this Bill is given a right of appeal to the Court of Appeal.

When we found the draft of the Bill, this was another provision that was not included, but we felt that it was necessary that a person aggrieved with the decision of the committee should have recourse to another body where they could correct any biases, imbalances and so forth. So, we included the clause with respect to the Court of Appeal.

There is another clause in this Bill which is very important. It is clause 3(2). We have made provision that any award of compensation under this Bill shall be a charge on the Consolidated Fund. This was an innovation of the present Government within the draft that we found in the Attorney General's office because what exists is the Contingency Fund which the Minister of National Security had spoken about. That is to say, there would be an allocation within the budget of the Ministry of National Security and should there be sufficient funds within that, a claimant would get compensation out of the budget of the Ministry of National Security.

If, as has happened on occasions, there were not sufficient funds, a warrant had to be issued for an advance from the Contingency Fund. So that members of the protective services would suffer hardship if the budget of the Ministry of National Security could not cover the claims that were being made. This is why we made provision for the compensation to come out of the Consolidated Fund. In that sense, the Fund would have to provide and make compensation wherever a claim was found to be justified.

The provisions of the original draft proposed setting up a fund, but not the Consolidated Fund, and we felt that if that happened the same kinds of constraints under which the present system operates, would be placed on any fund that was set

up especially to deal with the claims. If the fund ran out in any particular year, it meant that hardship would accrue to the members of the protective services.

Mr. Speaker, I commend this Bill to Members of this honourable House and, as I said before, I am sure that the Members on the other side would have no difficulty in supporting a piece of legislation that is clearly designed to remove discriminatory practices and inequality of treatment which have been meted out to members of the protective services. This Government has taken steps to place them on an equal footing as other workmen within this country.

Thank you.

**Mr. Fitzgerald Hinds** (*Laventille East/Morvant*): Mr. Speaker, as the representative for Laventille East/Morvant, I rise to involve myself in what is clearly a rather important debate.

I speak not merely as a Member of Parliament but I speak, proudly, as an ex-member of the Trinidad and Tobago Police Service. I have personal experience of engaging in the activity of battling with crime in this country and I have been on occasions, confronted with dangerous criminals. I understand from an emotional standpoint only too well what every member of the Trinidad and Tobago Police Service, and indeed the protective services considered under this Bill, would experience as he or she performs his or her duties daily.

Let me make it abundantly clear in the spirit of sincerity that the moment we, on this side, sat in caucus to discuss the terms of this proposed legislation, we had no difficulty whatsoever with supporting it in its entirety. We give total and wholehearted support to the principle of this legislation.

Mr. Speaker, it must be made abundantly clear that the people of Trinidad and Tobago and the Members on the other side would clearly understand that it is not that police officers were not entitled to nor indeed were not paid compensation in the past. This legislation, as I understand it, is merely to rationalize and make much more efficient a procedure that has already been well in place; a procedure that was established, if you like, and firmed up under a 1984 agreement that had been alluded to by previous speakers. It remains a fact, however, that the procedure that is now in existence is cumbersome and uncertain.

If nothing else, the Member for Siparia made quite clear the position insofar as money to pay compensation to officers of the protective services is concerned. It comes out of a vote of the Ministry of National Security and when that is depleted,

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future claims or claims thereafter would quite naturally be in jeopardy. So that the provision to put the funding of this compensatory arrangement under the Consolidated Fund is a solid and worthy move; not to give any “credos” to the other side but it is a simple move and it is good for members of the protective services.

**Hon. Member:** Not “credos” but “kudos”.

**Mr. F. Hinds:** Kudos, yes, that is quite all right. We are not perfect and we do not claim perfection. We are all mere mortals.

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. Deputy Speaker, I am being disturbed by ranting from the other side but I shall continue.

It is not my intention to play any politics with this legislation. As I said, I must admit there is some element of emotion as I speak. All of my brothers/friends are in the Trinidad and Tobago Police Service and we on this side would welcome anything to enhance their position and support it wholeheartedly.

Before dealing with some of the provisions of this proposed legislation, I want to address, in passing, some of the comments made by the Member for Siparia. She spoke about the year 1960 and the workmen’s compensation legislation of that year. It was only in the closing statements of her contribution—one that did not offer very much insight, quite frankly. [*Interruption*] I sat and listened with keen interest and I heard nothing that was particularly enlightening or novel.

**3.30 p.m.**

In fact, when the Member for Siparia went on in a tirade about the concept of *ultra vires* and pointed out to this honourable House that any committee, which has a mandate arising out of legislation, must operate within the purview of that legislation, that is trite, Mr. Deputy Speaker. Immediately, it reminded me of the Member for Tobago East, a representative for whom I have tremendous respect, but I recognize only too clearly as a Member of this House and as a citizen of Trinidad and Tobago that, like her, he often makes a lot of play over what are rather trite concepts, and for people who are outside of the know, it sounds fantastic and they hold on to every word. For us lawyers, that is basic and normal, quite normal. Trite, indeed.

When the Member for Siparia was roundly applauded by the Members on her side, including the Member for Couva South, we understood full well what it was—trite law, much play being made of it. Everyone understands the basic concept of *ultra vires*. A first-year law student would properly understand that.

**Mrs. Persad-Bissessar:** Why did the Member for Arouca South not know it?

**Mr. F. Hinds:** Mr. Speaker, the Member for Siparia correctly pointed out that in every case where a claim for compensation was to be made by a member of the protective services it had to be, to the case, approved by the Cabinet; and she described that, quite correctly, as cumbersome and suggested, perhaps, correctly as well, that it would have brought hardship to the individual applicant.

Mr. Deputy Speaker, what is being done under the provisions of this proposed legislation is to put in place a committee which will be saddled with the responsibility of looking at each of the applications in the self-same manner. So that if the problem with it going to Cabinet was that it was cumbersome, it would take time, and it worked hardship on the individual applicant; it is quite possible that could be so if one puts another committee to look at it. Except, of course, we recognize that in the provisions of this Bill, that committee is to be seated with two attorneys at law—*[Interruption]* a medical practitioner registered under the Medical Board Act, with at least seven years' experience; a medical practitioner, or other suitably qualified person, with at least four years' experience in the field of occupational health and safety. That provision was recommended a long time ago by members of the protective services themselves. Quite sensibly so. It is, perhaps, one of the rare occasions when it appears as if this Government has taken on board—in fact they may have gotten it from the other draft which they met when they came into office, and to which the Member for Siparia made several references.

I observe, however, Mr. Deputy Speaker, that in terms of the people who would sit on that committee, there is no representation from the associations insofar as the protective services are concerned. I want to commend to the Minister that he may wish to consider direct representation on the committee from each association of the Police, Prison, and Fire Services. They could obviously bring to bear, Mr. Deputy Speaker, on-hand experience and lend a twist to the discussions that could make a whole lot of difference.

**Mrs. Persad-Bissessar:** Would the hon. Member give way?

**Mr. F. Hinds:** Of course.

**Mrs. Persad-Bissessar:** He is a gentleman. Thank you very much. Would the hon. Member consider, on the point that he has made, that if one puts a person from the association to sit on the committee, that one could have a case of “himself judging himself”? In other words, a conflict of interests?

**Mr. F. Hinds:** In answer to the question, like most other considerations, whilst this is possible, one wonders, for example, under different establishments when there is a labour representative on a board, is it a question of “himself judging himself”? This is a philosophical issue and we could debate it for a long time, but more than that, Mr. Deputy Speaker, I am simply suggesting that such a representative could bring an on-hand experience and twist to the discussions. It is not so much a case of “himself judging himself”.

Indeed, talking about the philosophy of this—and I would eventually come to it, Mr. Deputy Speaker—I observe that the proposed legislation provides, as well, for the committee to take into account any contributory negligence on the part of the claimant. This is a rather legalistic approach. Contributory negligence is a term of legal art. In law it has a particular meaning and there is a whole host of case law, and in some countries, even legislation dealing with the question of contributory negligence.

Mr. Deputy Speaker, from a philosophical standpoint I would have much preferred to see—insofar as compensation for members of the protective services, whom we have all agreed play a rather important part in policy, maintenance of order and well-being of the society as a whole—the approach to this legislation as something on the lines of a no-fault compensation situation where, on the question of fault and contributory negligence, one could be quite assured of compensation. That is the way I would have wanted to go. But I do not have the final say on this, Mr. Deputy Speaker, so we must work with what we have.

Mr. Deputy Speaker, as I have indicated, when one comes to the question of contributory negligence, one would find that if there is a possibility of argument arising in that department, the claimant is more likely to seek legal help and advice. Once he does that, the process of the committee’s deliberations could become sufficiently legalistic for it, in itself, to become cumbersome. The whole idea is that this should be a rather smooth dispensation. It should not entertain the adversarial approach to contesting issues as we are accustomed to in the courts of law.



As I make that point, Mr. Deputy Speaker, I take note of the fact, as the Member for Siparia pointed out, that there is an appeal to the Court of Appeal, so immediately we see that is a good thing in itself, but we are lending a rather legalistic approach to resolving claims made by members of the Prison, Fire or Police Service, and that is a matter of concern.

Mr. Deputy Speaker, it is important, and I take note of the fact that there is, effectively, something of a limitation period contemplated here.

[MR. SPEAKER *in the Chair*]

In clause 4(3)(a) it reads:

“In respect of death, within four years of the date on which the death of the officer occurred;”

That is to say, Mr. Speaker, a claimant under this proposed legislation must make the claim in respect of the death of the officer within four years. But (b) states:

“in respect of personal injury, within one year of the date on which such illness or personal injury was sustained.”

Mr. Speaker, again, every first year law student understands that there are various types of injury. In fact one does not have to be a lawyer. Common sense explains that. I am not a medical practitioner, Mr. Speaker, but for want of a better term, I would like to describe the injury I want to refer to as “latent” injury. It is quite possible, Mr. Speaker, that a person may sustain a very serious injury which does not become obvious immediately upon receipt of that injury.

### **3.40 p.m.**

I have been advised or instructed of a particular case where a lampshade several feet high fell onto a certain officer of the protective service and he sustained injury of which he was unaware. He went about apparently well for many years. Today he is battling with a serious spinal injury arising out of that. So I want to suggest that the Minister who piloted this legislation consider an amendment which we would eventually prepare and circulate, to take into account the possibility of, what I would like to regard as, some latent damage or injury in the circumstances as I have described, all for the good of the people who work, who, when we rest at night, when we take our children to their various schools, we could walk away feeling confident that we would rest comfortably and peaceably

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and our children could walk the streets of Port of Spain, and indeed, Trinidad and Tobago, in peace.

I have absolutely no intention of politicizing this debate. On that count I urge the Member for Caroni East to leave me in peace and concern himself with other more important matters. Again, I do not want to deal with them; all in due time.

Another matter of concern to the Members of this very proud and strong PNM opposition team is that one provision of this legislation, indeed, in clause 7, which reads as follows:

"The Committee shall meet at such times as may be necessary to deal promptly and expeditiously with all matters within its charge, and three members shall constitute a quorum."

The situation in the courts of Trinidad and Tobago, indeed, in most courts, apart from specialized ones where they exist; a magistrate's court, for example, deals with a whole host of matters and we are all too aware of the problem of backlog in our courts. It is for that reason that this proposed legalisation, I submit to the Minister for his thinking—in fact, not his, the Member for Couva South's thinking, because he would only be able to make any change with the blessing of the Member for Couva South; not only as Attorney General, but, indeed, the true *de facto* leader of that coalition Government. I want to commend it, nonetheless, to him, that the Government seriously considers placing some kind of time limit. I know it is a serious matter and I know it is difficult to contemplate, but in view of the fact that we do not want the deliberations of the committee to become cumbersome, to be afflicted with backlog and to continue, as the Member for Siparia suggested, to work hardship against the claimant officers and/or their families, that one might consider putting some kind of limit, circumscribing them, such that they will deal, not merely promptly and expeditiously, but at the dictate of the legislation. It is a matter for consideration.

It pains my heart when I sit here and listen to the Government and Members from that side rant and rave about what we should have done and what we should not. This is my first term in this honourable House, but common sense tells me that there must be some elements of government policy; those that would come through legislation that would be in the pipeline when any government leaves office. It is common sense. One would not be surprised when that government rather quickly, or in the not too distant future, leaves office, we would find

ourselves with legislation that they had started or contemplated. This is quite natural.

So when the Minister who piloted this legislation, a rather honourable and decent man insofar as I know, though, of course, under the influence of the Members on the other side, he must be undergoing serious changes—he came here today and I mean to cast absolutely no aspersions; I am honest in my assessment—in a rather robot-like manner he read a brief. What is impressive is at least he has demonstrated that he could read far better than the Member for Tabaquite, our Minister of Education.

But what I saw in this rather important debate, in a matter that stirs up every one of my latent emotions as an ex-member of the protective services, you would have thought that he would have put a little more heart and soul into this thing, rather than come and in a robot-like way read that which he has been given to read. I am rather disappointed and it leaves me to deal with these issues and to ensure that this Bill receives the attention it deserves so that the members of the police, fire and prison services would get what is their just due and entitlement as guardians of the peace and security of our society.

**Hon. Member:** Who introduced the Bill?

**Mr. F. Hinds:** There we go again, Mr. Speaker. That is not important, Member for St. Joseph. Mr. Speaker, I will not—[*Interruption*]

**Mr. Speaker:** Will the Member for Laventille East/Morvant continue?

**Mr. F. Hinds:** I am indeed grateful for your input, Mr. Speaker. It was rather timely. Notwithstanding the asides we have been having from the Member for St. Joseph, I wish to continue.

There is another matter of rather serious concern with this proposed legislation and I say in the spirit of frankness, it is a matter that has been brought to my attention in consultation with the people for whom this legislation is directed and intended to benefit. I took time, as a representative, to consult with members of the protective services—I do not know if the Government did not take the time out to consult with them; it is obvious that they did not, because they readily expressed the sentiment that I hope to moot now which is non-existent in this proposed legislation. It is this. Clause 17 of this Bill suggests, and I wish to read for the record:

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"Where after the coming into operation of this Act, a person commences proceedings before a Court for negligence or under the Compensation for Injuries Act, in which he makes any claim that is within the jurisdiction of the Committee, such a person shall not thereafter, make a claim before the Committee unless the proceedings before the Court are discontinued."

My understanding of that provision is that once a claimant or someone on his behalf, if he is deceased, makes a claim within the purview of this legislation, any other proceedings that may have been put in place prior to that, would have to be discontinued for a claim hereunder to be further considered. This raises a number of rather interesting questions. I am not sure, since the Minister, in his honourable state of unawareness—and I cast no aspersions; it is simply that he did not consider these issues and I raise it for his consideration. There can easily be a situation where a police officer, a prison officer or a fire officer operating in the execution of his duty, sustains injury that is caused by some private individual, firm or corporate person, and he may wish to make a claim under this legislation because, of course, he is injured in the execution of his duty. When he does that, it debars him from any other proceedings against that other person.

**3.50 p.m.**

Mr. Speaker, this proposed legislation does not say—*[Interruption]* I would have thought that the Member for Siparia would have listened intently to the comments made on this legislation, but it is quite obvious that the Members on that side are concerned about one thing; that is, being in the public gaze, going from corner to corner telling the world what little they have done. The only difference between this Government and the PNM is that we do not go boasting about the things we do as a matter of course in the service of this country. We do not.

Mr. Speaker, the Minister of National Security shouted to the high heavens, and I think I read in the newspapers—I do not want to attempt to quote him—that they made 100 cars available to the Trinidad and Tobago Police Service. The facts are that it is a mere 30 cars, but how many members of our society would know that this statement was a total and absolute untruth. They are about public relations. *[Desk thumping]*

**Sen. Theodore:** Mr. Speaker, on a point of correction. I thank the hon. Member for Laventille East/Morvant for giving way. The Member has been proceeding very nicely and I do not want him to err on the side of extravagance. It was not an untruth and I would not have my character impugned. I know the

Member is keen, and seems to be getting a little political, but if he sticks to the Bill I would be very happy. The matter of the cars was not an untruth and I stated a fact. It is as simple as that. I quite understand his keenness, and I am not really making a scene, but it was based on facts and I would prefer not to be labelled as somebody who would say untruth to anybody else. [*Desk thumping*]

**Mr. F. Hinds:** Mr. Speaker, 100 is significantly different from 30, and I put 30 on the records.

Mr. Speaker, as I was saying in respect of clause 17, one can easily envisage a situation where an individual would have sustained injury in the circumstances which I have described. This money has to be paid by way of compensation through the Consolidated Fund—this is public moneys—and if a private individual, natural or corporate, caused the injury, one would think that that person ought to make good the loss sustained by the individual. In a case of ordinary negligence or civil proceedings one can, for example, bring in a third party who could be held accountable for the loss sustained. When one has to forego other proceedings in order to pursue a claim under this legislation it means therefore, that the private person who may have contributed to the damage would be totally exempt from any liability whatsoever and this must be a matter of serious concern. Why should the public pay for damage caused by someone else?

Mr. Speaker, in light of that, I would like to know from the Government why it is insisting that other proceedings be discontinued? On that, I suggest that a word to the wise is sufficient, and I should say no more.

Mr. Speaker, we on this side, as I have indicated from the start of this debate, are in total support of the principle of this legislation. Also as the Member for Arouca South expressed, we are concerned about the limitations of this legislation. That is to say, the Second Schedule excludes injury or damage that may result as a consequence of:

"war, invasion, act of foreign enemy, hostilities (whether war be declared or not) civil war, rebellion, revolution;"

I think it was the Member for Siparia who pointed out that they deleted insurrection and such actions, from the provisions they met when they came into office—a PNM draft as it were.

Mr. Speaker, I would apologize if I am wrong and I would do it readily. As I indicated earlier, we are mere mortals and we are not perfect.

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What does "rebellion" mean? What does "revolution" mean? What does "civil war" mean? This is what people across the society would ask as they listen to this debate. What is different about the "attempted coup" that could not be described as, for example, "civil war" or "rebellion". or even an "attempted revolution"? What? If the Government is contemplating that the provisions as expressed in this Bill would be excluded and no more, I submit to the Minister for his consideration that more precise words be used so that one would get the distinctions much clearer as it were.

Mr. Speaker, justice must not only be done, but it must manifestly appear to be done. When we as legislators contribute to the making of legislation, we must constantly bear in mind, as is well known, that other persons 100 years from now—if that legislation is still on the books—must read these words and interpret them in accordance with our intentions. So, we must now make our intentions abundantly clear.

In the Second Schedule (d) which I just read, it says

"(ii) suicide or attempted suicide, venereal disease, the influence..."

which is a typographical error, which should be corrected immediately to read "influence"

"...or the effect (temporary or otherwise) of alcohol..."

Mr. Speaker, we on this side have put our concerns on the record of this House and for the Government's attention. Firstly, the concern I have just expressed insofar as the limits of these provisions, whether they cover the circumstance of the attempted coup that we saw here in Trinidad in 1990 and we have asked for more clarity insofar as the terms used in the proposed Bill are concerned. Also, our very serious concerns about clause 17 as it attempts to limit the right of claimants to pursue some action other than an action, if I can call it that, under this proposed legislation.

Mr. Speaker, we have also put on record our concerns about the deliberations of the committee about whether a time limit should not be put—whether they should not be circumscribed and whether we should not dictate the time limit—in which they should deal with the matters such as to avoid a backlog as we have seen in the open courts of Trinidad and Tobago.

We have put on the records our concern about the composition of that committee, and I suggested, in all humility, on behalf of my side that one may wish to consider representation from the various associations—the people who speak for and represent, the people whom we seek to protect under this legislation.

**4.00 p.m.**

Mr. Speaker, a rather important matter that I wish to spend a couple moments on is the question of protection for special reserve police officers and auxiliary fire officers. Both these groups served this country quite well in the past and continue to serve up to the present day. When these groups were established and the legislation put in place many years ago, no one contemplated that the need for their services would be as heightened as they are in today's society and in today's social environment.

For one reason or another the Special Reserve Police, under the Ministry of National Security today, are called to duty as much as every regular police officer. In fact, they work full time in many cases. No longer is it the case of the SRP coming out on a Friday night to do a four hour patrol and disappears into oblivion until next Friday. Today they work side by side with their brother police officers; and auxiliary fire officers likewise.

It is only morally proper that we attempt to afford these groups of serious contributors to the well being of our society as much protection and benefit as we would their brother regular police and fire officers. In fact, even the regular police officers clamour to see their SRP brothers properly compensated and properly protected as they too work side by side with them in the execution of their duty. This legislation does not seem to contemplate that and it is a rather serious point. We would like to hear from the Minister and also see something done on this matter.

In the true spirit of the People's National Movement, I along with my colleague for Arouca South, and I am sure other Members from this side, relish the thought of making a solid and serious contribution to this debate. We are happy to have done so, we feel fulfilled in the fact that we have said our piece for the well being of the protective services.

Mr. Speaker, without more, I thank this honourable House and I thank you for hearing.

**The Attorney General (Hon. Ramesh L. Maharaj):** Mr. Speaker, the attitude of the PNM in respect of this legislation is quite startling. In 1960 there was a Workmen's Compensation Act and that Act provided that where an employee was injured in the course of his employment or where that employee dies in the course of his employment, the person or his estate can make a claim from the employer for compensation as defined by the Act.

The Act did not apply to members of the protective services. Since 1960 members of the protective services have been discriminated against by the crown and by the state in respect of entitlement to compensation for injury or death which occurred in the course of employment.

One recognizes that some matters are very difficult. It is quite clear when the PNM administration got into office in 1991 it recognized that this aspect of the law needed attention. Having regard to representations made—I am not going to accuse them today or talk about the fact that they slept on this matter after 1960. From 1991 the PNM recognized that the members of the protective services were being done an injustice; that there were instances which were brought to their attention that police officers and members of the protective services were killed. Some of them were injured and there was a situation where the families of these people had to actually beg for compensation.

Mr. Speaker, I have here some record of the kinds of injury—I am not going to call names—there were instances where police officers were shot and injured to the extent that they were unable to resume work and they had to be knocking on the door in order to try to get compensation. Some of them have not yet been compensated. There are members of the protective services who were killed and whose families have been asking and begging for compensation from the PNM administration and they have not been able to get it. There are police officers and members of the protective services who got injuries to their eyes, who became blind, who had spinal injuries, who were unable to perform normal aspects of life after those injuries and they have been knocking on the door for justice and the PNM denied them that justice.

Here is such an important measure which needed immediate action—this is not a case where the PNM was not aware of it. It is not a case where the law was unreformed and no one looked at it and brought it to the attention of the Government. This was an instance where, in 1991, they became aware of it and they got up here today and they have not apologized to the protective services for



the injustice which they have done to the protective services members and their families. What have they done? They have got up and talked about everything else under the sun.

The Member for Laventille East/Morvant talked about special reserve police officers and tried to sound a word of help for special reserve police officers as if the PNM was ever interested in helping special reserve police officers. Special Reserve Police officers have been knocking on the door of the PNM Government to reform the Supplemental Police Service Act and have been begging the PNM administration to reform it because they suffer grave injustice when they are dismissed and they suffer grave injustice in respect of their compensation matters. They have been begging for that. Actually kneeling down begging—the former Prime Minister and the Members of the PNM Cabinet sit here today—one is asleep, one bends his head and is reading—and they are pretending that they love policemen and policewomen, that they love special police reserve officers. Enough is enough.

Mr. Speaker, this is a Bill which has 22 clauses, and took this administration less than six months to have consultation in order to draft and to pass.

**4.10 p.m.**

From 1995, even when the PNM administration dissolved Parliament, it did not have the Bill before the House. Now they say this is to codify and rationalize a practice and they are trying to mislead the Parliament and the country about these measures. In truth and in fact, the PNM Government decided to practise injustice against the Police Service and started its administration with an assault against the Police Service. Therefore that coloured its whole administration. It was not interested in the terms and conditions of police officers; the technologies which the police officers needed in order to fight and detect crime; improving the police stations and the families and human dignity of the protective officers.

Today sitting on that side, in Opposition, they give the country the impression about what they “woulda, coulda and shoulda.” I would have been ashamed if I were on that side to speak on this Bill. If I were on that side I would have said that I was ashamed to be PNM and I apologize for being PNM.

**Mr. Hinds:** The Member for Couva North is saying that if he were on this side he would have been ashamed. I want to put on the record of this House, that if he were on this side, I would have been totally ashamed, so much so, I would have left.

**Hon. R. L. Maharaj:** Mr. Speaker, I would not tell him here today of what he should be ashamed. I would not tell him in public.

**Mr. Speaker:** Hon. Members, I think that the message has got across that a Member is disturbed when he is in full flight, either on a point of order or if a Member would give way. It is becoming quite obvious that we need to look a little more carefully at what one gives way on. For the sake of the record, one would not be expected to give way for a statement to be made. One would be asked to give way for clarification of an issue, or elucidation. That is what the Standing Order provides. We want to come back on the waves insofar as that is concerned.

**Hon. R. L. Maharaj:** The Members of the PNM get up in this House and give no explanation—because they admit that they knew about these injustices and that the matters needed immediate and urgent action—as to why a Bill with 22 clauses could not have been drafted and brought to this Parliament. The Member for Laventille East/Morvant had the boldfacedness to say that bringing the legislation is not important. How on earth could law be implemented without legislation unless the PNM intends to administer Trinidad and Tobago in a different way? Law is necessary to implement legislation. Without law there cannot be legislation. Without law a legal right cannot be implemented. How is it that legislation is not important?

As a matter of fact, he has agreed that as far as he is concerned that this legislation is to rationalize matters. Obviously, the legislation is necessary in order to give effect to a right. At the present time, if a police officer is injured while on duty, that officer cannot go to a court or a committee constituted by law and say that he/she is entitled as of right to get compensation. He/she has to go to a superior officer to give information, beg and try to get the Minister, the public servant or the Permanent Secretary interested. After begging it might take another six months for a note to be prepared. Then it has to go to Cabinet which might decide that it has to be put before another committee.

Whilst the policeman and his family are going through all that injustice, an ordinary person in Trinidad and Tobago such as a dock worker or a labourer who is injured can file a workmen's compensation matter and within three to six months has a right to get compensation. If the Workmen's Compensation Commissioner refuses, that person has a right of appeal to the Court of Appeal. If the Court of Appeal refuses the person can appeal to the Privy Council. This practice was one of discrimination against members of the Police Service. The government was

treating members of the protective service unequally. An injustice to one is an injustice to all.

The PNM Government knew this injustice was occurring but did nothing to arrest the situation, as with so many other things. Nothing! *[Interruption]* Praise God for the United National Congress and the National Alliance for Reconstruction. The people of Trinidad and Tobago are saying praise God to them. It is important to highlight these matters because one knows how easy it is in this Parliament for a Member of the Opposition to say the PNM was doing that, or had in mind to do that, or this is the PNM's idea. We have dealt a little with respect to the provisions of this Bill.

The Member for Laventille East/Morvant talked about the SRPs. The Members of the Special Reserve Police had been making representations to the PNM administration in respect of their terms and conditions that they were being treated in a very inhumane fashion and discriminated against. The former Prime Minister, Mr. Patrick Manning recognized that these matters had to be attended to urgently. He went on television whenever any issue came on crime. One can remember specifically that just after the West Moorings murder he said that he was going to address and redress the situation with the SRPs. They were also saying that under the Supplemental Police Service Act, Chap. 15:02, which was a piece of legislation passed in 1906 was totally outdated. In effect it placed police officers in a position with their employers, where they did not have any basic right as employees. It is not a situation where the last administration and the last Prime Minister did not know about this situation. They knew about it. There was no matter before the Legislative Review Committee, the Law Commission, the office of the Attorney General or the Ministry of Legal Affairs to redress this situation.

**4.20 p.m.**

They stayed in office for almost five years and the Member for Laventille East/Morvant, PNM, gets up in this House and says that he is sorry for the SRPs and wants to say a word for them and is hoping that this administration would do something about it. He said that, even though the Minister of National Security, in opening this debate, gave an undertaking that those issues were being redressed and would be coming to Parliament in a short while.

In a period of six months we have not only come with this law, but we are coming in a few weeks' time with another piece of law to redress the situation of the SRPs. The PNM can get up and say that they are sympathetic and are genuine

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about the condition of the SRPs. The reason this country has the problems it has today is because the PNM had no commitment towards the protective services. The protective services were maligned by the last administration and the public was given the impression that they were inefficient, and bad managers.

Take for example the police service. The attack on the police service was that it needed proper management to deal with the crime situation, when what happened was that the Government of the day decided not to provide the police service with the necessary tools to deal with the crime situation. There were no motor vehicles, no technology with respect to finger-printing, no forensic science and no required training in modern crime detection. Now, when this administration provides the vehicles for the police service, they say it is public relations. They could not even do that. Enough is enough!

Another example is that they passed a Dangerous Drugs Bill in 1994. Under that Act, police officers were given the responsibility to prosecute for money laundering; to attack the assets of drug people and take away their proceeds. Do you know, Mr. Speaker, that from 1994 to the time the PNM left government they did not put any machinery in place to collect information in respect of matters to be prosecuted? They left an Act hanging in the air with nothing to give effect to it.

Mr. Speaker, the Minister of National Security was supposed to lay a report in Parliament every year on the operations of the Act to show what they were doing with respect to money laundering. The year 1994 passed, nothing was laid in Parliament. In 1995, they left office with no report laid in Parliament.

The Act was passed. The Opposition supported the Bill. It could not have been passed without the support of the Opposition. *[Interruption]* They did not even know about the Bill. They did not even know that the Opposition had to vote in support of the Bill. They cannot even remember that the Opposition supported the Bill. That displays their ignorance and their lack of commitment in giving the police service the necessary tools. They were not interested in the police service. They are displaying hypocrisy this afternoon trying to give the impression that the PNM was interested in securing justice for police officers, their widows and their children. The facts would show that they were not interested because they had another agenda.

Mr. Speaker, it is very disappointing that the Member for Arouca South, who is a lawyer, and the Member for Laventille East/Morvant, who is also a lawyer—and I did not know he was a lawyer until he told me he was one—did not know

that this Bill would give a constitutional right to protective officers and their families. They did not know that entitlement to compensation is property as defined in the Constitution; that property includes tangible and intangible property. Property has a very wide meaning. They did not know that and were taking away property. As a matter of fact, Mr. Speaker, they are very fortunate that the police officers did not file a constitutional motion against the state for denying them property and equality of treatment.

So, Mr. Speaker, a protective officer who may have fractured his leg while performing physical training exercises, sustained chest injuries, sustained body injuries during fire-fighting exercises, injured his hand, had his eyes, hands and feet affected by a major explosion, had burns and injuries, had spinal injuries from a fall from a fire ambulance, and did not get compensation, can now receive compensation. What we are doing in this Bill is not only saying that from now on people who are injured or die would get compensation, but we are saying that persons before who did not get, can apply, and in pursuance of the law, would get. That is the kind of justice we are doing to the country, and we cannot do justice to the country unless we protect, treat properly and with justice, the people who protect the national security and the people of Trinidad and Tobago.

I thought that in 1991 when that Government got into office, they would have said that the police service, the army and other protective services were important and were the people who risked their lives every day to protect the public of Trinidad and Tobago. I thought that they would have seen the injustices and inequalities and tried to correct them, but they did not do it. But that is the difference between that administration and this one.

This country and this Parliament is seeing legislation for many reasons. One cannot talk about them at this time but the people later on will see the benefits of some of these types of legislation. What this legislation would do, apart from providing access to justice for protective officers, is send a signal to the country and to the region that the Government and people of Trinidad and Tobago regard members of the protective services as an important part of the state, to provide tranquillity and security and public benefit for the people of Trinidad and Tobago.

#### **4.30 p.m.**

When the Member for Laventille East/Morvant spoke, he said they had a problem with the compensation committee which would determine these matters. It says in clause 5:

- “(1) A Compensation Committee...shall be established for the purposes of performing the functions detailed under this Act.
- (2) The chairman, secretary and other members of the Committee shall be appointed by the President by instrument in writing for a period of three years on such terms and conditions...
- (3) The Committee shall comprise—
- (a) an attorney-at-law...having at least seven years experience and who shall be Chairman;
  - (b) an attorney-at-law whose name is on the Roll of Attorneys-at-Law...and who shall be secretary to the Committee;
  - (c) a medical practitioner registered under the Medical Board Act with at least seven years experience;
  - (d) a medical practitioner or other suitably qualified person with at least four years experience in the field of occupational health and safety; and
  - (e) a person who has at least seven years experience in the business of insurance.”

We are trying to put a committee of experts to determine these matters but his objections are, that we must fix a time limit. Mr. Speaker, if a time limit is fixed then one would open up the system to say that the law is discriminating in favour of policemen. However, where no time limit is fixed the Interpretation Act says that it must be done within a reasonable time. When something is to be done within a reasonable time, and if the committee takes too long to give a decision, the High Court can be approached for an order to command the committee to give its decision. Therefore it is only ole talk—

**Mr. Speaker:** Hon. Members, the sitting is suspended for half and hour.

#### ADJOURNMENT

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I beg to move that the House—after consultation, and with the agreement of Members on the other side—stand adjourned until Friday, June 28, 1996, at 1.30 p.m.

*Adjournment*

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That day would be Private Members' Day, so I hope that Members of the Opposition would know that they have a Motion to debate.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 4.34 p.m.*