

*Leave of Absence**Friday, July 12, 1996***HOUSE OF REPRESENTATIVES***Friday, July 12, 1996*

The House met at 1.30 p.m.

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

Mr. Speaker: Hon. Members, I wish to indicate that I have received communication from the Member for San Fernando West, Mr. B. Sinanan, to the effect that he has to be out of the jurisdiction from July 12—26, inclusive. He has sought leave to be excused from attending the sittings of this House during this period. This leave is granted.

Hon. Members, I have also received word from the hon. Member for Arima, Dr. R. Griffith, who is not well and is excused from attending today's sitting. Communication has also been received from the Member for Arouca South, Mrs. C. Robinson-Regis who is, indeed, going to be late for today's sitting.

MARRIAGE (AMDT.) BILL

Bill to amend the Marriage Act, Chap. 45:01 brought from the Senate [*The Minister of Legal Affairs*]; read the first time.

PAPER LAID

The Motor Launches (Amdt.) Regulations, 1996 [*The Attorney General (Hon. R. L. Maharaj)*]

LAND SURVEYORS BILL

Bill to provide for the registration of Land Surveyors, Trinidad and Tobago Land Surveyors and Land Surveying Graduates, for the regulation of the practice of surveying and for other connected matters [*The Minister of Planning and Development*]; read the first time.

TRADE MARKS (AMDT.) BILL

Bill to amend the Trade Marks Act, Chap. 82:81 [*The Minister of Trade and Industry and Minister of Consumer Affairs*]; read the first time.

ORDER OF BUSINESS

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that the House proceed to “Bills Second Reading”.

Leave granted.

RELATED BILLS

Hon. Ramesh Lawrence Maharaj: Mr. Speaker, may I mention that, with the consent of the Chief Whip of the Opposition, although the Public Assistance Bill would be read a second time first, contributions would be made by Members in respect of both the Public Assistance (Amdt.) Bill and the Old Age Pensions (Amdt.) Bill, having regard to the fact that they are so entwined. At the appropriate stage when the Old Age Pensions (Amdt.) Bill is being dealt with, it will go through the normal stages, but without any debate.

PUBLIC ASSISTANCE (AMDT.) BILL

Order for second reading read.

The Minister of Social Development (Hon. Manohar Ramsaran): Mr. Speaker, I beg to move,

That a Bill entitled an Act to amend the Public Assistance Act, Chap. 32:03 be read a second time.

Mr. Speaker, when I presented this Bill to this honourable House and received the reports from persons throughout Trinidad and Tobago, I felt very satisfied that, at last, this Government of national unity is caring about the old, the disabled and people who were lost in the cracks of the system over the years.

Mr. Speaker, it is therefore my distinct honour to be associated with the UNC/NAR administration to be interested in analyzing the needs of citizens and making recommendations which are progressive and people-centred. It is because of this preoccupation with problem-solving, that early in our term of office, we were able to address matters which have been, for want of a better word, neglected for years. I make these statements, Mr. Speaker, in the context of the Bill entitled, the Public Assistance (Amdt.) Bill, 1996, which is before this House and which amendment to the existing Act would correct long-standing deficiencies in the system, as well as provide for the introduction of grants targeting all needy persons with disabilities who are 40 years and over.

Mr. Speaker, the majority of proposed amendments to the Public Assistance Act have been the subject of dialogue within the relevant ministries for years. That the Bill is now being introduced is simply a reflection of our commitment to addressing concerns expeditiously. In Trinidad and Tobago the administration of a public assistance grant has been fraught with problems of one kind or another. In 1992 the Evaluation Public Assistance Scheme, conducted by the Ministry of Social Development found, amongst other things, that the system was plagued by leakages through the fraudulent actions of recipients and/or their relatives and was in need of strengthening of its regulatory framework.

In 1994 a comprehensive list of amendments to the Public Assistance Act which would have addressed the problem of leakages as well as improve the overall efficiency and effectiveness of the Scheme, was approved by the then Cabinet. Mr. Speaker, those recommendations have received no further attention up to now.

Mr. Speaker, in today's newspapers you would have read where the Director of Social Welfare has made a release to the media that those people who are interfering with money that was paid to pension and public assistance recipients would be dealt with harshly by the law. Over the years, we have had many complaints about people encashing cheques which belong to others. My Ministry is now setting in place mechanisms to stop this fraud and we will do that with effectiveness, as was never done before.

Mr. Speaker, let me highlight a few of those amendments. With regard to addressing the problems of leakages in the system, dealing with fraudulent activity, the amendment includes:

1. An increase in the fine which would apply in the case of falsifying of evidence given, relevant to an application for public assistance. This fine moves from \$400 to \$1,000;
2. The introduction of clauses which would oblige recipients to inform the local board office of impending absences from the country in excess of four months and of increases in their economic well-being.

1.40 p.m.

Mr. Speaker, in addition, venues for encashment of public assistance cheques were restricted to banks, district revenue offices, the Treasury and main post offices and paymasters employed with the Ministry of Social Development. This

was designed to eliminate cheques being cashed at supermarkets and like establishments; the practice which was a source of significant leakage.

The existing legislation made provision for recipients of public assistance to access welfare payments in respect of periods spent away from the country or at institutions fully or partially supported by the state once they continue to satisfy the criteria. The legislation now before this House would appropriately provide for the suspension of public assistance payments to recipients in those circumstances for periods in excess of four months with no possibility for access to payments.

Additionally, Mr. Speaker, an effort is being made in the new legislation to alleviate the hardships experienced by applicants for public assistance who may be forced to undergo undue delays prior to the grant of public assistance through the need to obtain documentation to substantiate their public assistance claim. This would be done through the creation of a temporary grant, which would not exceed the period of three months in which time they would apply in such circumstances.

These are but some of the proposed amendments contained in the Bill now before the House which aims at improving the overall efficiency and effectiveness of a public assistance scheme.

Mr. Speaker, we propose to introduce in this Bill a special grant called the Disability Assistance Grant which targets needy persons with disabilities who are 40 years and over. Persons with disabilities face peculiar challenges in the course of their lives which require a response from Government, and other corporate citizens, to ensure that necessary supports are in place to facilitate their self-actualization. In this country persons with disabilities are disadvantaged by the small number of specialized institutions designed for their care and development. The institutions which exist are faced with long waiting lists of persons desirous of accessing the services. Moreover, persons at a lower end of the economic strata tend to be in an even less advantageous position with regard to access to these institutions through lack of resources.

Mr. Speaker, persons with disabilities have always been the focus of the welfare system in Trinidad and Tobago. The Public Assistance Grant caters for this group as well as a special grant under the Emergency Cases Fund which caters to the special transportation and other needs of children with disabilities. However, for decades the welfare system has perpetuated discrimination with respect to the various types of disabilities.

Since 1939 the Old Age Pensions 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. The quantum of the old age pension grant has always exceeded a single grant of public assistance. This means that persons with other disabilities have always been denied access to the larger grant. The justification of such a biased provision is unknown to me.

What I do know is that since 1974 the questions of this biased provision was raised in the report of a committee under the chairmanship of Mr. Isidore Rampersad—the then Permanent Secretary in the Ministry of Labour, Social Security and Co-operatives—and recommendations were made for equal treatment for all people with disabilities. These issues were again raised by successive committees established to review the Old Age Pensions and Public Assistance Acts in 1983 and 1990.

Mr. Speaker, the mission of my ministry is to protect the vulnerable and the disadvantaged and to ensure an enhanced quality of life for all citizens. In this regard I see no need to continue to single out the visually impaired for special treatment to the exclusion of other persons with disabilities. Alternatively, I am now proposing, by the introduction of the Disability Assistance Grant clause to embrace all needy persons with disabilities who are 40 years and over. [*Desk thumping*] More specifically, the grant targets such persons who are physically and mentally challenged as well as those who are hearing and visually impaired and certified disabled by a government medical officer.

Clearly then, Mr. Speaker, persons with disabilities comprise a very distinct group of citizens and should be distinguished from the elderly folk. As a result, I feel that a grant to the former group should not be classified as a pension. Mr. Speaker, this came about as a result of speaking to people who felt that at age 40 they should not be written off but rather they would accept the pension. They feel that at age 40 they have a lot more to give to society in their own way. These are very special people in our country who are very touchy at times and they told us that they would not like to be called pensioners at age 40. It is for this reason that the new category of assistance is being introduced under the ambit of the Public Assistance Act.

However, in an effort to ensure that the visually impaired persons who are already in receipt of what has come to be called a "blind pension", suffer no loss of income and to ensure that the new applicants receive benefits at the same level, the

new provision would cater for a grant which is equal to that paid to old age pensioners. Access to this grant would also be based upon satisfaction of the same criteria as exist for access to the old age pension grant.

We in the Ministry of Social Development have already determined that should this grant take effect—of course I expect that because I do not expect the Members opposite to raise any serious issues—immediately at least 2,000 persons would qualify for this Disability Assistance Grant. This is the number of persons with disabilities, 40 years and over, who are currently in receipt of public assistance and should automatically qualify for the new grant. A more precise estimate of the number of persons who would access the grant is, of course, not possible at this time. We have, however, identified funds in excess of \$4 million which would cover anticipated expenditure under this scheme for the rest of this year.

Mr. Speaker, as Minister of Social Development I am very pleased with these proposed improvements to the Public Assistance Act and, particularly, with the proposed introduction of a Disability Assistance Grant.

We are not only introducing public assistance grant and so forth, but we are also thinking about the people out there who have to access these grants. The Bill before us, in clause 5 dealing with the proposed section 6A(1)(a), says that:

“within ninety days of the date of application...the board:

- (a) shall notify the applicant in writing as to the grounds upon which the application has been refused; and
- (b) submit the application for a decision of the Board, if the applicant within sixty days of the refusal, so requests.”

Mr. Speaker, what we are saying is that in effect what obtains now is that people apply for old age pension and public assistance and there is no reply, or they wait for years. I have numerous letters on my desk from people complaining that they have not even received a reply. If somebody applies for old age pension or public assistance, as the case may be, they receive a reply within 90 days.

1.50 p.m.

We of this Government care about our poor people and old people. We are ensuring that the grant must not only be given and kept secret but we also expect that the people throughout Trinidad and Tobago would access the grant and make

proper use of it. In so doing the poor and vulnerable in our country would be looked after.

The time has come for us as a nation to seriously pursue approaches which would ensure that economic gains on a national scale are passed on to the less fortunate in our society. This administration stands committed to facilitating this kind of redistribution of national resources. In this vein, the Ministry of Social Development continues to research, develop, fine-tune and implement proposals to enhance the quality of life of such groups as the socially displaced, street children, the new poor, the elderly and the probationers to name a few.

We are confident that with this approach the mission of the ministry and the goal of effective governance would be furthered.

The Leader of Government Business said that we would read both first and then propose them for debate at the same time.

Mr. Speaker: Hon. Members, I understood that there was agreement between both sides that the two Bills which are closely knit would be spoken on at the same time by both sides. Indeed, the hon. Minister has dealt with one of the Bills and he has in fact moved. He now wants to have an opportunity to speak on the second Bill so that one could give effect to that which was decided to by both sides. In the circumstances, we would not really stand on ceremony. We would allow him. *[Interruption]* Sometimes we do not stand on strict ceremony. Please proceed.

Hon. M. Ramsaran: Mr. Speaker, we are living in a very curious period of the world's development; a period categorized by adjustments and changes of all types such as political, social, economic, technological and even atmospheric. This era requires two types of responses from governments and others who care about the well being and sustainability of the nation of which they are part. These times call for governments which can be flexible and dynamic and able, within the shortest possible time, to adapt the changing needs of its citizens. This era calls for governments which are proactive; that is, able to keep steps ahead of those whom they serve. Moreover, such times of adjustments call for the revisiting of policies and programmes targeting poor and vulnerable groups in the society, with a view to ensuring that such policies and programmes are relevant to current circumstances and accessible to those for whom they are intended.

It is rather unfortunate that these principles were not applied to the administration of the old age pension scheme. The Financial Assistance Welfare Programme of this country which is targeting needy senior citizens, a most vulnerable group in the society, is accessed by the largest clientele when compared to other financial welfare schemes and commands more state funding than any other single welfare scheme. In 1995, as much as 59,000 needy senior citizens received old age pension payments which cost in excess of \$262 million. In addition, the number of persons accessing this programme is said to comprise about 70 per cent of the total population of persons 65 years and over. Clearly, it is a programme which is highly sought after by our elderly citizens. One of the criteria for access to a grant of old age pension has placed unnecessary restriction on deserving applicants. It is the amendment to this criterion which is the most fundamental reason for the tabling of the amending Bill.

The original Old Age Pensions Act, 1939 stipulated criteria for access to this grant. Persons must have obtained the age of 65 years. The person may be a British subject and must have been ordinarily resident in the colony for the 20 years immediately preceding the claim for pensions, providing that the person shall not be deemed to have ceased to be resident in the colony merely by reason of temporary absence therefrom for an aggregate period not exceeding two years during the said period of 20 years. The person must have been engaged in earning his livelihood in the colony during a substantial part of the aforesaid period of 20 years. The person must satisfy the local board that his monthly means do not exceed a specified fixed amount.

The original Act made provision for access to this grant by persons who were 40 years and over, and in the opinion of the local board who were blind and incapable of earning a livelihood. Essentially, the residential criterion outlined in the Act sought to safeguard against those persons who would choose to retire in the islands and benefit from state pension without having contributed to the economic development of the land—the 20 years in residence criterion, and the two-year period of absence. A longer period of absence was retained in the post-independence era as a philosophy of personal contribution to national development and continued to be an underpinning requisite for a grant of old age pensions.

Later, consideration was also given to the scenario where persons would go abroad for the purpose of employment and return home and seek additional financial support in a pension grant. Identifying such persons among other deserving applicants for old age pensions would pose tremendous administrative

difficulty. However, since the early 1970s the residential criterion for access to a grant of old age pension became a source of concern to citizens and administrators alike. Since this time also, administrators began to question the validity of providing a pension to persons who are 40 years old and visually impaired. The rapid improvements in our economic circumstances in the early 1970s resulted in shifting patterns amongst our citizens. More citizens were venturing abroad for reasons such as medical testing and other procedures, vacation sponsored by relatives and other events which essentially have no direct bearing on the ability for self-support while in the country. As a result of these changes, citizens made repeated complaints to the relevant authorities about the limitations of the two year permissible absence clause.

2.00 p.m.

Mr. Speaker, in going through my files, I have found many letters written by the last administration to their Minister of Social Development and amongst these there is one written by the Member for Diego Martin West, as follows:

“February 17, 1995.

Dear Minister,

I have been informed by Mr. Holister Hart of Point Cumana, who is 66 years old, that he has been denied access to old age pension on the grounds that he has been out of the country for the period 1988 to 1991.

Mr. And Mrs. Hart are elderly people both of whom have no means of support. I would be very grateful therefore if you can reconsider this matter with a view to assisting Mr. Hart.

It is my opinion that he has lived and worked all his life in Trinidad and Tobago. However, from time to time, he travelled abroad. It seems to me that his presence here now and his circumstances warrant favourable consideration as an old age pensioner.

I would be grateful for some urgent attention on this matter.

Thanks for the usual kind support.

Dr. Keith Rowley.”

Mr. Speaker, there are quite a few more letters, which, maybe when I am winding up, I will bring to the attention of this House. It is my understanding that

the concerns did receive the attention of the public servants since that time but failed to gain adequate attention for meaningful action by the politicians.

In 1974 the problems surrounding residential criterion and a proposal for its amendment were discussed in the report of the committee under the chairmanship of Mr. Rampersad, the then Permanent Secretary in the Ministry of Labour, Social Security and Co-operatives. The report also raised the question of discrimination against persons with disabilities who met certain criteria. A piecemeal attempt was made by the 1976 amendment to the Old Age Pensions Act to address the issues raised in the Rampersad Report. The attempt, however, ignored the question of the blind pension, as it is called, but did seek to address the concerns regarding the residential criterion. Accordingly, amendment to the Old Age Pensions Act in 1976 retained the 20-year residential criterion and the two-year allowable period of temporary absence but also provided for other longer periods to be considered subject to conditions as may be prescribed by the relevant Minister.

Mr. Speaker, this amendment merely exacerbated the problems created by the residential criterion. You see, Mr. Speaker, since 1976 when the amendment was passed, no conditions were ever prescribed by any of the relevant Ministers in spite of the repeated submissions by public servants. Moreover, on several occasions Cabinet decisions were made which sought to indicate the circumstances under which absences above the two-year maximum may be allowed, but there was never any follow through to ensure that these became part of the old age pensions regulations.

On the basis of one such Cabinet decision taken in 1983, consideration came to be given to claims from persons who had been abroad for periods in excess of two years, using criteria agreed to by Cabinet but which did not form part of the regulations. Moreover, the consideration of these criteria caused the local boards and the Central Public Assistance Board extreme difficulty as diverse interpretations of the criteria rendered the administration of such unusual cases extremely problematic. The practice has since been discontinued, but it has demonstrated the kind of administrative nightmare such an approach could cause.

Mr. Speaker, this administration is now entering its eighth month in office. We have moved expeditiously since 1995 to bring relevant amendments to the legislation to remove the limitation which the current Act places upon deserving citizens, to discontinue this discrimination against persons with disabilities other

than visual impairment and to improve the overall efficiency of the administration of the Old Age Pension Scheme.

The Old Age Pensions (Amdt.) Bill, 1996 seeks to provide for the retention of the 20-year resident criterion with temporary periods of absence up to a fixed limit of five years being allowed to cover all absences irrespective of purpose. This proposal strengthens the permitted period of absence from the country and is therefore more sympathetic to the travelling needs and experiences of our citizens and does not penalize deserving citizens because of these needs. Further, it allows for no exceptions nor conditions, thus simplifying the administrative process.

Mr. Speaker, we have estimated that the residential criterion as currently obtains has debarred approximately 3,000 needy elderly citizens from accessing a grant of old age pension. Accordingly, should the new provisions be passed, we anticipate that at least 3,000 new persons would access the scheme almost immediately. The Ministry of Social Development has therefore identified funds to the extent of \$6.4 million to cover the cost of payment to the new pensioners for the rest of 1996.

The Old Age Pension (Amdt.) Bill, 1996 will also address the long-standing concerns raised with respect to the pension to disabled persons 40 years, which I mentioned earlier. However, in an effort to ensure the equality of treatment to all persons with disabilities, we propose to provide a disability assistance grant which will be incorporated in the Bill. We expect to ensure that persons who are receiving the "blind pension" will continue to do so without too much administrative delay.

The Old Age Pensions (Amdt.) Bill will also provide for the suspension of old age pension payments to pensioners who are out of the country or who are housed at Government's expense at public or state maintenance institutions for a period in excess of four months. The grant of old age pension continues to be one given on the basis of need. It is also decided to ensure that benefits above a certain limit are not paid to a single recipient who may be otherwise supported for some specified period either by relatives or the state.

The 1976 revision of the Act allowed persons whose pension benefits were suspended for these reasons to be able to apply for pension to cover the period of suspension once they continued to satisfy the criteria. Mr. Speaker, this means that if a pensioner was invited to the United States to visit with a relative and remained

there for a period of three years, that person would be entitled, upon his return to this country, to apply for old age pension to cover the period during which his pension would have been suspended. Similarly, if a pensioner was incarcerated for a period of 18 months, the same would apply. This, Mr. Speaker, is considered to be misuse of the taxpayers' money and certainly inconsistent with the concept of need which underpins the grant of old age pension. The proposed amendment would therefore allow for pension to be paid to the pensioner in the months of his departure or admission and return and discharge and any other two months, with no possibility of a further payment.

In 1994, the Ministry of Social Development introduced into the Old Age Pension Scheme a system of life certificate which was aimed at improving the administrative effectiveness of the scheme. The Ministry of Social Development found itself inundated with problems caused by the continuation of payment of old age pension to deceased pensioners. In an effort to address this problem, a system of life certificate was introduced which requires pensioners to report to their relevant local board offices on an annual basis to be certified seen alive.

Special arrangements are being made for those who are bed-ridden. Failure to report to a local office within a specified period results in a suspension of pension payments. This system has already caused savings to accrue in old age pensions allocation as a reduction in such erroneous payments has occurred. Until now, no reference to this system has been provided for in the Old Age Pensions Regulations. It is our intention that this system caters for section 10 of the Old Age Pensions Act.

2.10 p.m.

Mr. Speaker, the Ministry of Social Development is at present studying the issue with a view of increasing the \$5,000 a year earning ceiling. We are also looking at an increase in old age pension, but due to the constraints we met when we entered government, we have to do a more serious study with a view of when we act in raising the ceiling or increase old age pension, it would be done as the coffers allow.

I am very pleased to have the honour of bringing this Bill before this House. Senior citizens comprise a group of vulnerable persons, who have in their earlier life, contributed in one way or the other to the development of this nation. Once unable to adequately support themselves it is the responsibility of the state to embrace them and to ensure they decline with dignity. The reality also, is that there

is increasing evidence that senior citizens and even old age pensioners are the ones whose income supports many a household in Trinidad and Tobago. I am committed to ensuring that needy elderly persons have easy access to the benefits which the state has made available to them.

Mr. Speaker, I beg to move.

Question proposed.

Mr. Martin Joseph (*St. Ann's East*): Mr. Speaker, Members of this honourable House, I sat and listened attentively to the presentation made by the Member for Chaguanas, the hon. Minister of Social Development, and I really thought that he would have taken this opportunity to anchor these two pieces of legislation within a wider context based on the facts. On numerous occasions, the hon. Member made reference to the issue of economics and finances and the ability of the Government to be able to do certain things as a result, or as a lack of it. I thought he would have put these two pieces of legislation within the context of the economics of the society and I will tell you why.

As he mentioned, and he boasted of the fact that within the eight short months his Government has been in office, they have been able to do certain things with respect to the social services based on discussions he has had with various persons. When the party that now forms the Government went to the electorate, they went on the bases of some very important issues. They went on the issue of unemployment, the issue of poverty, crime, and the state of the utilities. This is the first piece of legislation coming to this House that deals with one of those aspects that formed their platform plank—the question of poverty and the attempt of this Government to treat with that issue by way of these two pieces of legislation. I thought in those circumstances, this would have been an ideal opportunity to place before this honourable House, and by extension the country, the situation that this country faces; a situation that is no different from any other throughout the world where countries are grappling with the issue of economic growth on one hand, the problems associated with social justice on the other hand, and the distribution thereof of the wealth that comes from economic development, and that there is an understanding that both are linked. Without one there cannot be the other. I have heard Members before me in other debates quote at length what happens in other countries. I want, with your permission, to focus on one country that is no different from us and one with which we have close relationships, and that is the United Kingdom.

Public Assistance (Amdt.) Bill
[MR. JOSEPH]

Friday, July 12, 1996

In the United Kingdom to treat with the concern of social justice, a Commission of Social Justice was set up in December, 1992 and the terms of reference of that commission were:

“To consider the principles of social justice and their application to the economic well-being of individuals and the community.

To examine the relationship between social justice and other goals, including economic competitiveness and prosperity.

To probe the changes in social and economic life over the last fifty years, and the failure of public policy to reflect them adequately, and to survey the changes that are likely in the foreseeable future, and the demands they will place on government.

To analyze public policies, particularly in the fields of employment, taxation and social welfare, which could enable every individual to live free from want and to enjoy the fullest possible social and economic opportunities.

And to examine the contribution which such policies could make to the creation of a fairer and more just society.”

Mr. Speaker, the commission found that there was no way that the United Kingdom could adequately deal with the issue of social justice without ensuring that the economic competitiveness of the United Kingdom is on par with its competitors. It is the same thing that we in Trinidad and Tobago understood so that when the Manning administration assumed office in 1991, it focussed for the first three years on the question of the economic stability of the country. It did so because there was an understanding that if we want to be concerned with the distribution of the pie, we must first of all attempt to increase the size of the pie because if this is done, the ability to ensure that the pie can be distributed to the disadvantaged and those persons who find themselves in circumstances over which they have no control, could take place. I am going to hear the other side scoffing at what I am going to say, but we focussed for the first three years on the economic situation in this country and the results of that focus are now history. As a result of that, the Manning administration was able to reduce unemployment from an all time high to 16 per cent when it demitted office. It was able, when it demitted office, to have seen the economy grown by 4 per cent.

I am saying these things because the understanding and the expectation was that as a result of those changes in the economic circumstances, the Government

would have been in a better position to address and treat with some of the other social issues.

2.20 p.m.

This is the reason I lament the fact that the Minister of Social Development came to this House and said that when the PNM administration was in office, the social welfare programme was administered on a piecemeal basis. I was expecting the Minister to come to this House to suggest greater reforms, greater changes than the two minor changes that he has proposed in this House because his party inherited an economy that was in a position where it could have done, in my opinion, a whole lot more than what it is proposing now by way of the social welfare to the citizens of Trinidad and Tobago.

More importantly, Mr. Speaker, the Manning administration also ensured that, with respect to social development, a comprehensive approach to social development took place. So that during that period a comprehensive review was conducted for the integrated social services delivery system by utilizing UNDP funds. Consultants from both abroad and locally were employed to look at ways in which the delivery of social services could have been better streamlined, so that we could have reduced the costs of the delivery of those services and reduced the extent of overlapping and duplication. The study was done in 1993. The aim was to look at the various governmental and non-governmental agencies responsible for the provision of social services, to see how those services could be streamlined so they could be more efficient and effectively done.

Mr. Speaker, in that review, old age pension, public assistance, non-governmental organizations and the national insurance system were also looked at. The expectation, as I said, was to ensure that these various agencies responsible for delivery of these services could do so in a more efficient and effective way. I was hoping, Mr. Speaker, that the Minister would have been in a position to indicate to us today how, as a result of those studies, we could have improved, because the bills before us seek, as it says here, "to improve the efficiency and effectiveness of the delivery of the Social Welfare Division as it relates to public assistance and as it relates to old age pension."

So I would like to find out from the Minister about co-ordination of the activities of the various agencies with respect to the delivery of social services. What has happened to that? I wish to pose another question—because as I said before, it was the old age pension, public assistance and national insurance. Mr.

Public Assistance (Amdt.) Bill
[MR. JOSEPH]

Friday, July 12, 1996

Speaker, I apologize because I do not have the date on which the Minister laid the NIB annual report in this honourable House, but I remind this House that in laying the report he said:

"In accordance with Section 13(2) of the National Insurance Act, Chap. 32:01, I wish to present to this Honourable House the Annual Report of the National Insurance Board for the period July 1994 to June 1995."

And he went on and he said a couple of things. I am just jumping ahead, Mr. Speaker, if I may be permitted. He also said:

"This Government is committed to ensuring that we effectively manage a Social Insurance System which serves the population.

The present National Insurance System which is compulsory, was introduced in April 1972, and after existing for 23 years, old age pension, which is a non-contributory scheme, is higher than NIB retirement benefits. Mr. Speaker, the National Insurance Board is subject to actuarial reviews every five (5) years—Section 70(1) of the Act refers.

The last review, Mr. Speaker, carried out in June 1990 concluded that the system was not actuarially sound in that expenditures had already exceeded contribution income in the 1989/1990 fiscal year and the Board had to cover the shortfall with income from investments.

Despite the findings of the actuary in 1990, the necessary legislative amendments to effect improvements in the system have not yet been enacted."

He continued:

"This Government of National Unity will seriously review the system. We would return to the corporate mission of the National Insurance Board as described in the Report. When we received this Report, Cabinet noted the neglect. The fact is that the social security system of the National Insurance Board is very important to the social safety net.

Accordingly, Cabinet, at its last meeting, agreed that:-

- (a) a Ministerial Committee be appointed to examine the operations of the National Insurance Board, its patterns of lending and investment strategies as well as the aforementioned observations arising out of a study of the Annual Report;

(b) the Committee submit its recommendations by March 31, 1996."

So I would like to find out from the Minister, what has happened to this inter-ministerial committee. He went on to name the Members of the inter-ministerial committee set up to review the operations of the National Insurance Scheme. He also mentioned that an actuarial review was due at a particular time and that the next review was due on June 13, 1995 and was in progress.

I hope in winding up, Mr. Speaker, that the Minister would be able to indicate what has happened to that inter-ministerial committee set up to look at the operations of the NIB and the question of the actuarial report. I am asking those questions in light of, as I said earlier, the fact that the Manning administration had put in place a comprehensive review of social services in the country through consultants, *etc*, with the intention being to make sure that we targeted the delivery of those services.

Part of the review looked at how best we could integrate the social services that have been provided by these various agencies. The review also looked at the questions: What are some of the issues related to the provision of pension? What are some of the issues related to the provision of public assistance and how could one marry part of the non-contributory systems with the contributory systems?

There were some of the issues that were raised, and I am sure that the Minister of Social Development is well aware of them. It is as a result of that, Mr. Speaker, that I find it difficult for the Minister to come here this afternoon and to introduce these pieces of legislation that deal with the disability grant to needy persons ages 40—65. While I am not knocking the gesture, I believe the two could be a whole lot embracing.

When they occupied this side of the House, Mr. Speaker, they used to talk about what they would do when they got into office. Let me remind the Members on that side what they had promised with respect to old age pension when they got into office. They promised that they would lower the age limit for old age pension from 65 to 60. Secondly, they promised that they were going to raise the income ceiling from \$5,000 to \$12,000, and that they were going to increase pension payments from what it is now, \$356.00 a month, to a minimum of \$500.00.

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2.30 p.m.

Mr. Speaker, I was expecting that these provisions would have been introduced here but look at what has been brought. In terms of the residential requirements, from two to five years. I was not in the previous administration, but my understanding is, that was approved by the Manning administration in 1994.

Miss Nicholson: Why did they not implement it?

Mr. M. Joseph: That was approved in 1994. It did not come here before because it was part and parcel of comprehensive legislation which was being drafted. It was approved, but it comes here today, Mr. Speaker, as novel legislation. This is something that was approved. We increased the residency from two years to five years, and the Minister quoted a few people who have complained about the fact that they were out of the country for two years or more and, as a result, did not qualify.

With respect to the disability assistance, for persons age 40 to 65 years. Mr. Speaker, there is a question that I need to ask with regard to that. What happens to individuals who are under age 40, but are not able to work because of the circumstances in which they find themselves? For example, people who come from the Princess Elizabeth Home, or the Lady Hochoy Home, who will continue to need assistance but will not be able to work, and as a result there is a financial need with respect to the persons who are responsible for their upkeep in terms of whether or not they go to Goodwill Industries or any kind of vocational workshops.

Not only that. One of the things we were looking at was removing the mind-set that is currently in vogue, where we see these citizens as being provided with handouts, not making them able to help themselves; providing them with the appropriate training and development, so that at some point in time they can be citizens who would be able to take care of their own. But the focus of the Ministry of Social Development was also in that vein, during the previous administration. An attempt was also being made to divide the country into grids where, in each grid, there would have been a generic social worker, who would have been able to interface directly with the families in need, so that a comprehensive package of services would have been able to be provided to those persons who needed them.

Mr. Speaker, as I said earlier on—

Mr. Singh: NAR started that.

Mr. M. Joseph: —I am a little disappointed that the Minister did not take this opportunity to anchor this piece of legislation within the wider international context and within the national context as it relates to the circumstances. But let me turn, specifically, to some of the items in the legislation.

I am referring to the Public Assistance (Amdt.) Bill. I see that clause 5, section 6A. (1)(b) allows a person whose application has been refused, a period of 60 days to request a review of his application by the board. Could this request be made verbally, or must it be in writing? If it is submitted that it must be in written form, could this leave the door open for unnecessary contention, Mr. Speaker? Secondly, what happens if an application is made, or reaches the local board after the 60-day period stipulated in clause 5? Must the board refuse to consider it? And if that is not the case, what is the outer limit, four years after? I would like some clarification with respect to this clause. Could the board accept one, but not the other? Is the board going to be allowed to exercise discretion in this particular regard? On what ground would the board accept or refuse an application made or received late? This needs to be clarified, if you do not mind. The same observations apply to the proposed section 6A(2) as well.

Mr. Speaker, I also have some concerns about proposed section 6A(3). Is this an attempt on the part of the Minister to legislate efficiency with respect to the 90-day limit? Is there a presumption that the Social Welfare Division is inefficient and as a result, that 90-day stipulation? What if a defective application was submitted, or an incomplete or unsigned medical, or difficulty in terms of obtaining information about the applicant, which the board may have to investigate? My reading of it is that if within 90 days the board is unable to make a decision, it means that the recipient is automatically entitled to the benefit.

Given the circumstances that these things could occur, what is expected? What is the intention? This could be a loophole because it is possible that the information may not be provided outside of that 90 days and as a result the benefit becomes automatic. I am sure that the intention is not for this to become a loophole that could be exploited.

Mr. Speaker, as I said earlier on, I have some concerns also with respect to the provision of the benefit for persons only between the ages of 40 and 65; and the question about persons who may be under 40, who may be suffering from muscular dystrophy or other kinds of ailments that do not allow them to work, and therefore, they are going to need some kind of assistance being provided to them.

With respect to the old age pension, Mr. Speaker, the accompanying legislation, as I have said, and I need to put it on the record again,—the party which now forms the Government made promises when it was on that side as to what it was going to be able to do when it assumed office, with respect to the provision of increased benefits to our senior citizens. That Government found itself in a situation where, given the economic circumstances it inherited, it was in a good position to provide these benefits, but I am hearing the Minister saying that the intention of that Government is to increase benefits when the financial circumstances arise.

Mr. Speaker, the PNM Government approach was to ensure that we improve our economy, which we did, and it would have put us in a position to be able to address the safety net and improve the benefits to senior citizens. I am hoping that the hon. Minister would provide appropriate responses to these matters, and also on the question of what is happening with respect to the National Insurance System as part of the whole integrated social delivery services, especially in light of the fact that he made statements in this House about the review of the National Insurance System and also the question about actuarial reports to determine the extent to which the NIB can improve the services being provided to our citizens.

I thank you, Mr. Speaker.

The Minister of Labour and Co-operatives (Hon. Harry Partap): Mr. Speaker, I rise to add my support to these very important amendments to the Public Assistance Act, Chap. 32:03, and the Old Age Pensions Act. These amendments, reflect the efforts of a government that cares for its people. This Government of national unity intends to provide good governance which works for the welfare of people.

Mr. Speaker, you know a good government when it takes care of the elderly and disabled. You recognize a civilized society when those who lead provide the mechanism and resources to ensure that those who can least afford to look after themselves are provided for out of public funds.

Mr. Speaker, it must be a very painful experience for those opposite to come here, sitting after sitting, and witness that we on this side are doing so many things to ease the plight of the poor, the disabled and the elderly, while they frittered away the mandate which they received from the population during their time. I do not know, but perhaps, they were too busy wining and dining at Smokey and Bunty and, maybe, this is why they neglected to do the people's business.

2.40 p.m.

I remember in 1991 when the now Leader of the Opposition was contesting the 1991 general elections, he went from house to house and peered into people's houses and then he went on the platform and told people how he was so moved by a particular incident in which he saw an old woman living alone. He went on the platform in 1991 and said what he would do, but he did not amend the Public Assistance Act. He did not.

Mr. Manning: Mr. Speaker, I thank the hon. Member for Nariva, the hon. Minister, for giving way. I thank him also for recalling that incident where I had visited a house and met a particular situation and to advise him that it led to the setting up, in the last government, of a programme called the Geriatric Adolescent Programme in which we used the services of young people to look after the elderly in our society. The programme was going extremely well until his Government came into office.

Hon. H. Partap: Mr. Speaker, I wonder if the Member for San Fernando East was thinking about what the NAR Government had done in their time. [*Desk thumping and laughter*]

Mr. Speaker, as my colleague, the Minister of Social Development, has indicated, we have moved swiftly—that is, within the first eight months of taking office—to amend the Public Assistance Act and the Old Age Pensions Act to improve our level of assistance to the elderly and the disabled. We have also provided safeguards to ensure that assistance reaches the people who are in need.

Mr. Valley: Mr. Speaker, just for my own information, could the Minister tell the House how they have increased the level of assistance given to the elderly?

Hon. H. Partap: Mr. Speaker, we were elected for five years and I am sure that within the next five years we would be bringing more and more programmes to help the people in need and these would be visible to Members on the opposite side.

Mr. Valley: Mr. Speaker, I thought the Member said that the Government is increasing the level of assistance through this legislation. I am just asking him, please, to inform us of how the Government is increasing the level.

Hon. H. Partap: Yes, the elderly and the disabled. Mr. Speaker—

Mr. Valley: How are you improving the level?

Hon. H. Partap: Mr. Speaker, I think if the Member for Diego Martin Central would read the Bill he would answer his own question.

Mr. Valley: Mr. Speaker, let me call on you to help me. I have read the Bill and I have not seen any increase in the level of assistance. I merely want the Minister to point me to the clause in the Bill which is increasing the level of assistance to these elderly people.

Hon. H. Partap: Well, surely, the Member for Diego Martin Central has not read the Bill. [*Desk thumping and laughter*]

Mr. Speaker, the proposed amendments to the Public Assistance Act and the Old Age Pensions Act will improve the efficiency and effectiveness of the service provided by the Social Welfare Division of the Ministry of Social Development. The amendments, once more, put the stamp of a caring government on this Government of national unity. The proposed amendments to the Public Assistance Act will assist those citizens of Trinidad and Tobago who fall within the age group above 40 years who have been certified as being disabled by a government medical officer.

While this national unity Government is committed to providing assistance it is also committed to ensuring that the necessary safeguards are put in place to avoid abuse of the very assistance we wish to provide. The proposed legislation, like its sister legislation, demonstrates the Government's commitment to the average citizen of this country.

Specifically, as a citizen is negatively affected by the operations of the bureaucracy, clause 5 of the Bill provides for an aggrieved citizen to appeal a local public assistance board's decision. It also provides that when the bureaucracy fails to deal expeditiously with an application, the citizen is not penalized, rather, his or her application is automatically approved 90 days after his or her application was made.

Clause 7 of this Bill provides for the safeguards alluded to earlier. It links the entitlement of disability assistance to the total income limitations in the Old Age Pensions Act. Were it not for this provision certain people—who will remain nameless—would probably not be entitled to disability assistance since disability includes an intellectual or psychiatric impairment. That condition has to be either permanent or likely to be permanent.

Mr. Speaker, that puts the identity of the persons beyond doubt, and on a more serious note, I reiterate that this UNC/NAR Government is very conscious of the possibility of abuse and, therefore, subsection (ii) gives the Director of Social Welfare the discretion to refer an application to the Chief Medical Officer for assessment and certification. This then is, in essence, the reasons for the provision of this non-controversial Bill.

Mr. Speaker, while there are persons who have visual impairments, sometimes there are difficulties faced by other people because of the particular medical illness which make them disadvantaged in the society.

There are persons with certain psychiatric illnesses who cannot and who will never be able to earn a livelihood, therefore, these proposed amendments would benefit those people. There are also persons who are younger than 65 years of age who suffer heart attacks and other ailments of the sort. This Bill would tend to provide them with a livelihood as it were.

Mr. Speaker, some of these people have families to maintain and cannot do so. We see them very regularly when we go to our constituency offices and because of certain ailments they just cannot find employment or cannot work, therefore, their families suffer. We hope that the amendment that we are putting forward is going to help these people. There are people who suffer from strokes who are sometimes bedridden, handicapped and disadvantaged. We hope that the amendments which we are putting forward would ease the plight of these people. The Old Age Pensions (Amdt.) Bill seeks to address the plight of the elderly in our society.

2.50 p.m.

When one considers that our people are living longer than before, we are talking about a group whose members are increasing every day. How many times over the past 40 years have we seen photographs or read articles in the newspapers or seen on television, the elderly waiting for hours for their monthly payments, small as they may be? How many times have we heard the unscrupulous survivors of a pensioner continuing to receive the pension payments long after the death of a pensioner? This is not a recent happening. It has been around almost as long as pension payments.

We are also familiar with the plight of elderly persons who, in the autumn of their lives, get the opportunity to spend time with their children who live abroad, only to find that on their return to Trinidad and Tobago, they are no longer eligible to receive a pension because of the length of their stay abroad. This is a stressful

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situation for these elderly people. Therefore, it takes a caring government like this UNC/NAR Government to make the amendments to assist these people. It is a pity that this stressful imposition on our elderly was allowed to continue for such a long time. The evidence is mounting every day that “caring” was a propaganda word used by the previous government because it felt that it had to fool the population from time to time. We are not out to fool the population.

The amendments before this House demonstrate once more the commitment of this Government to improve the quality of life for all citizens of Trinidad and Tobago regardless of age, race, religion or any other accident or fate. Anything that could be done to make it easier for citizens at this stage of their lives to be happier and to receive their monthly payments without a hassle, this Government believes that it ought to do so. We would do it in their interest. Therefore, I expect that these amendments would receive the support of the Members opposite.

Thank you.

Mr. Jarrette Narine (*Arouca North*): Mr. Speaker, I compliment the Member for St. Ann’s East on his contribution and also the Minister, the Member for Chaguanas, in continuing the policies of the People’s National Movement for social assistance in Trinidad and Tobago. The Member for Nariva also expressed a lot of feelings on this Bill. I express the hope that in a matter like this, Members of this House would not use this opportunity for the underprivileged persons and senior citizens, as yet another public relations gimmick to gain political points.

In introducing the Bill, the Minister indicated that a number of correspondence had been sent to his ministry from one time to another from persons who have had problems to receive old age pensions. I have a letter which I sent to the Minister on April 22, 1996. It dealt with Miss Minerva James from 18 London Street, Arouca, a member of my constituency. She had problems in getting public assistance. In this case, it was a situation where her daughter in the United States was suffering from cancer and she had to spend a period between 1986—1992 away from the country. As a matter of fact, there was also an affidavit declaration for the reason for her being out of the country during that period of time. The ministry expressed concern and referred her to the office at Tunapuna and asked that she be considered for public assistance.

The amendments which are being made today, such as in clause 4, indicate that the absence period would be removed from two years to five years. I indicate to the Minister through you, Mr. Speaker, that persons such as the one whom I am

speaking about who actually stayed out of the country for a period of six years would be deprived of receiving old age pensions. She spent her entire life here. Her daughter in the United States was ill and under medical treatment. She had no choice but to stay there to take care of her daughter.

3.00 p.m.

[MR. DEPUTY SPEAKER *in the Chair*]

I suggest to the Minister that he takes into consideration that there should not be a ceiling of five years, but that the local board and his ministry should look at the cases on merit as they become available in the ministry, so that the five-year ceiling would not deprive other persons in a similar plight from getting their old age pension. I really feel that persons who are underprivileged, like this lady who has given 62 years of her life to the people of Trinidad and Tobago, should be taken into consideration when we get to the committee stage.

The Minister, in presenting the bills, indicated that there was neglect of old age pension and other matters related to his ministry over the years. This is not so because my records indicate that between the years 1958 and 1976, for old age pension, monthly benefits increased from \$10 to \$60 per month. Even in those early years of the People's National Movement, old age pension and other benefits given to the underprivileged people of this country were taken into deep consideration.

From 1976 to 1986 those very benefits rose from \$60 to \$225. I am saying—and you would agree with me—while there may be much ole talk, the facts and figures indicate that the PNM has a very excellent track record of welfare in Trinidad and Tobago. You will recall, Mr. Deputy Speaker, the PNM being accused at one time or another of having moved to a welfare state and into the dependency syndrome. We very often heard this from the Opposition Benches when we were in government.

I support the Minister's amendment except the amendment that puts a ceiling to five years and which will deprive a number of persons from benefiting from old age pension. I have a very strong opinion about that five years and I feel that because there is a system in which there is a local board in each area for interviewing persons for old age pension and public assistance, the ceiling should not be five years. I am appealing to the Government that some other system should be used to merit certain persons getting old age pension. As I said, Mr. Deputy

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Speaker, in this instance the lady who stayed away for six years will not be privileged to receive an old age pension.

Between the years 1976 and 1985 the number of recipients of old age pension rose from 35,547 to 54,973 and the figures now indicate that it is even higher than that. I remembered the Member for Oropouche asking in a debate similar to this that the ceiling be removed from \$5,000 per annum to \$12,000 to entitle persons to get old age pension. I think that the Member for Naparima and other Members who were here before will remember that occasion. He was very forceful in making his point. The then Minister indicated the cost which would be incurred to carry this figure from \$5,000 to \$12,000 per annum. I can tell you, Mr. Deputy Speaker, that to move that figure from \$5,000 to \$12,000 per annum would have cost the country some \$322 million.

In 1994, the expenditure on old age pension, inclusive of food subsidies, was estimated at \$270 million and that ceiling would have carried it to \$322 million. I am still saying that figure is too high. Although we are now in Opposition we know the financial situation in the country, and that \$12,000 per annum is still too high. However, I thought that the Minister would have taken that into consideration for the benefit of old age pension since his Members in Opposition indicated it was very low. I am not saying \$12,000, but I am saying that some consideration should have been given to lifting the ceiling.

Mr. Deputy Speaker, in the early years of the People's National Movement, even for public assistance, the monthly public benefit was \$5 for an adult and \$3 for a child. By 1976, the figures were \$20 and \$16 respectively and by 1986, \$80 and \$68 respectively. To say that we have done nothing is not really telling the truth and I am satisfied that probably the inexperience of some of the new Members of Parliament will be taken into account. Over the years we have made many improvements to the system and done many things to enhance the social welfare services in the country.

3.10 p.m.

With respect to the article concerning the leakage, which the Minister alluded to in today's newspaper I can tell you that since 1991 I have had the privilege of being in this Parliament and a number of questions were posed to Ministers on our side. A number of things were done to deal with the problem. As a matter of fact, I am certain that the Minister is quite satisfied that when he went into the ministry he felt comfortable that he had a ministry that he could carry forward using the same

policies for his ministry. I am also certain that some of the documentation that he is bringing forward today must have been done before his time.

I have on *Hansard* record that these matters were forwarded to the Attorney General's Department to propose those Bills that are now coming to us and it is a matter over the years, that there would be many changes to be made in various ministries, not only the Ministry of Social Development. At that time when we spoke about leakages, I can tell you that the problem of leakage and fraudulent cashing of cheques were placed in this Parliament on the *Hansard* record of December 1, 1994 by Dr. Linda Baboolal and I would like to read parts of it:

“To counteract this, the Ministry put in place two major measures over the last year.”

And that was in 1993.

“These were, firstly, the issue of life certificates to old age pensioners which started in April 1994. This system required all pensioners to pay an annual visit to their local board. Usually, they receive a slip of paper with their cheque the month before reminding them that they should pay a visit to their local board. The idea behind this is so that the social welfare officers would see those persons and know that they are still alive. In the case where the patient is bedridden, their nominee can go in and let the Social Welfare Division know that the person is bedridden and that person would be visited by an officer. Up to this point, the exercise has been 90 per cent successful. There is about 10 per cent still outstanding which the Ministry hopes to contact before the end of the year. If no contact is made, the cheque would be cancelled because it would be assumed that that pensioner has died.”

Apart from that, Mr. Deputy Speaker, I just want to indicate some other areas that were dealt with during our administration and that the Minister had put things in place. I do not know if it is by design that yesterday the matter was raised and aired in the newspaper today because of this matter coming to Parliament today. If that is so, I am very disappointed in that the politicking, the public relations and the gallerying are continuing and I said when I started this debate that I felt very concerned about our senior citizens and under-privileged persons and we should not use the Parliament for political mileage. *[Interruption]*

“Secondly, to counteract”—not on this issue. I am saying on this issue of underprivileged persons. Do you understand? I will go on to say and I am quoting:

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“Secondly, to counteract that and to be doubly sure, we have also started a system in August 1994 where Registrars of Births and Deaths are now required to collate all the information on the death of persons over 65 years of age and send it to the Ministry of Social Development. That department is being paid a fee for doing this.”

And we talked about computerization in the other part.

“In addition, and in an effort to improve the efficiency on the delivery system, the Ministry is now looking at computerizing the records of the Social Welfare Division to be able to prepare computerized data. At the moment, BWIA prepare our cheques, so we would be able to feed this information to BWIA...and generation of old age pensions cheques and public assistance cheques...”

was done that way.

Mr. Deputy Speaker, I am indicating here that these matters were dealt with by Mr. Manning’s administration. *[Interruption]* The political leader of the PNM, the hon. Member for San Fernando East, as the Prime Minister of the country at that time, many matters in that ministry were rectified. So to come here today and say that very little was done, I am saying that we made many improvements to the ministry’s system. We have had a number of matters which were dealt with up to 1986. Between 1986 and 1991, I am sure that some Members who were in that Government would get up and tell us what happened. I remembered very careful consideration was not given to this section of people and the next thing was that—*[Interruption]* Well a still tongue keeps a wise head, Mr. Deputy Speaker, and I would expect that nothing would come from that administration from 1986—1991.

As a matter of fact, in 1992, the Social Welfare Division paid \$178.2 million to 60,959 old age pensioners between January 1 and October 31, 1992. *[Cross talk; Mr. Deputy Speaker rises]*

Mr. Deputy Speaker, I thank you for the intervention. I am accustomed to this type of thing because when we are speaking about the achievements that we have made over the years through the People’s National Movement, it hurts the other side that after 9 months they are still talking about planning—and if, and if, and if, and when—and I am still waiting; the population is still waiting for action. It is only talk and gallery and we are still waiting for action, Mr. Deputy Speaker.

Crime is rampant in the country and they are afraid to touch the issue. An administration that came to this Parliament under the pretext that crime was an issue in this country—

Mr. Deputy Speaker: Would the hon. Member please stick to the Bill.

3.20 p.m.

Mr. J. Narine: Mr. Deputy Speaker, this has a direct relation to the social safety net which the PNM put in place in 1993. Now I am hearing that they are diverting all the funds to other areas and they are taking funds from the Unemployment Relief Programme and doing local government work. I do not know what the people in local government are doing, because the cleaning is now up to URP instead of local government. They are only cleaning all over the country—no construction—and we will deal with that in the private motion.

Mr. Deputy Speaker, I am saying that in 1992 a total of 24,000 persons were recipients of public assistance of \$52,73,000. So that you are looking at a situation where they say that the last government did not put things in place—we did. But as the years progress, one would expect things to change and other matters would have to be brought here. We accept that and we accept that we had certain things to come in 1996, and now that the Minister has inherited a good ministry he is bringing these matters forward. I support all the matters that came from then to now and that persons will be more comfortable and will benefit from these changes.

But, Mr. Deputy Speaker, I would like to touch on the matters of the down syndrome children. I have the privilege in my family to have a down syndrome child—my cousin's son—and when a person is a down syndrome child, in certain instances, there is a matter of surgery on that person's heart. This child had to spend three years in Canada. Fortunately, his father could have afforded that and today he is still alive. But he has brought so much joy into the family, he is so well adapted, friendly and so forth that I am certain that other persons in the society are very touched by the warmth of down syndrome children. Mr. Deputy Speaker, as a medical practitioner you will understand that people have to take time to even train a down syndrome child to use toilet facilities. So that in these cases one of the parents—and most of the time it is the mother—has to stay at home and watch the child on a twenty-four hour a day basis, and the grandfather. I think that the Member for St. Augustine and I have had lengthy discussions on these matters and my heart goes out to these young people who, because of surgery, will probably live beyond the age of 20 years. He would have died probably years ago, but

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surgery has helped him. As a matter of fact, he is so sensitive that every time I see him—up to yesterday afternoon—he asks, "How the PNM going?" And I say, "very good brother". These children develop a certain amount of sensitivity. He is very concerned, not only about the PNM, but he is also a Michael Jordan fan and he would not wear anything else but a Michael Jordan T-Shirt. So I think consideration must be given to these special persons that we are talking about, the down syndrome children.

I must compliment the NGOs in Trinidad and Tobago and the various associations which have done so well over the years and have motivated and made these children comfortable. My heart goes out to the families of such children who are underprivileged and cannot give them that full treatment, or who have the financial burden to keep these children comfortable. As a Member of the Samaroo Village Council, I also had the privilege to visit these children and to go every year for a number of years to the Princess Elizabeth Home and the Blind Welfare Association to treat the children around Christmas time and to carry some entertainment to them. And when you look at their plight you will understand that some of them are in these institutions because the parents simply cannot afford to keep them at home. While they love them and they would like to have them at home, it is not possible to do so. So that I am appealing to the Minister to look at this situation and see whether it is possible to help more NGOs, to give them an extended benefit so that they can get something out of the taxpayers' funding in this country.

We talk about street children, Mr. Deputy Speaker, and if you come into Port of Spain at late hours you would realize—like in Caracas where I have seen a number of children on the streets—that you do not see them in the day because they hibernate, they form themselves into little gangs because they cannot live by themselves; they need that support. So the NGOs should be encouraged to take up that plight of the vagrants and the street children and try to help them in a more tangible way. I feel that the ministry should be looking forward to doing so.

In spite of all that has been said or may be said by either side in this debate, I want to end by appealing to all Members of the House that there should not be petty squabbling here and cross-talk about this issue. That would have an adverse effect on our underprivileged people in the society.

3.30 p.m.

The Minister of Trade and Industry and Consumer Affairs (Hon. Mervyn Assam): Mr. Deputy Speaker, I rise to give support to the two Bills introduced by my colleague, the Member for Chaguanas: a bill to amend the Old Age Pensions Act, Chap. 32:02 and also a bill to amend the Public Assistance Act, Chap. 32:03.

Mr. Deputy Speaker, I did not think that these two pieces of simple legislation, albeit extremely important, would have generated any controversy here this afternoon, because it is my view that both pieces of legislation are intended to bring about some alleviation in the social welfare system and also to old age pensioners.

The Member for St. Ann's East attempted to suggest that there should have been a much more comprehensive approach to the whole question of social welfare. But the Minister, in his presentation, never intended that this piece of legislation would have been a comprehensive review of the social welfare system. Indeed, Mr. Deputy Speaker, this Government of the UNC/NAR has a philosophical approach to the entire social welfare system in the country; and indeed, a comprehensive note was brought to the Cabinet and introduced by the hon. Minister, some time ago, with respect to the whole question of the social delivery systems. It is in fact now engaging our attention, and a final report is being awaited from the UNDP and funding will be put in place before long.

I am sure the hon. Member for St. Ann's East and, indeed, Members opposite and the entire national community will see what kind of social welfare programme and philosophy this Government will be embarking upon to bring about that kind of relief and improvement in the quality of life of the socially disadvantaged in the country.

The Member for Arouca North said that we were accusing his party and his Government of having done nothing. That is not the point, Mr. Deputy Speaker. What we are saying is that not sufficient was done by that side when they were in office. Indeed, Mr. Deputy Speaker, at one time during the boom years this country had amassed a considerable sum of money—some people say \$60 billion, some say \$80 billion. I am not going to quibble about the amount, but indeed \$60 to \$80 billion over a period of eight years is a considerable sum of money for a small country.

Mr. Valley: \$73.1.

Hon. M. Assam: Mr. Speaker, it was at that time that the platform and the social welfare strategies and philosophy should have been put in place, so that today the people who are socially disadvantaged would have been in a better position.

Mr. Deputy Speaker, the economic policies followed by the Government at that time surrounded two main planks: price control and subsidies; and to a large extent the social welfare philosophy was never developed and put in place. It almost reminds me of what the great pastoral poet, William Wordsworth, wrote, when he said: "Ill fears the land to hastening ills a prey, where wealth accumulates and men decay." This was Wordsworth writing about the industrial revolution, destroying the cities and villages of London and ravishing the population who were disadvantaged—

Mr. Bereaux: Would the Minister please give way?

Hon. M. Assam:—as a result of what was taking place [*Interruption*] during the very difficult and dark days of the Industrial Revolution in Great Britain, Mr. Deputy Speaker.

Mr. Bereaux: Would the Minister please give way? I would like to correct the Minister. It was Oliver Goldsmith.

Hon. M. Assam: The Member is right. Oliver Goldsmith. He is quite right. It is Oliver Goldsmith. I am not going to argue. He is right.

Miss Nicholson: It just left him.

Mr. Imbert: It is being pretentious, but it is Goldsmith.

Hon. M. Assam: Nevertheless, Mr. Deputy Speaker, whether it is Goldsmith or Wordsworth, they were two poets who wrote about the same kinds of problems that villages were experiencing in terms of depopulation, health and social benefits during that difficult period. It was the same situation between 1973 and 1981, where Trinidad and Tobago went through that hectic period of industrialization, and a lot of revenues accrued to the country as a result of enormously high oil prices that the fundamental, in terms of the society, were not put in place. That is the kind of comparison I was trying to make. I accept what the Member for La Brea said. I accept the correction that it was Goldsmith and not Wordsworth, but the point is what is important, not the author.

[MR. SPEAKER *in the Chair*]

Mr. Maharaj: The message, not the messenger.

Hon. M. Assam: However, Mr. Speaker, there are many factors impacting on the whole social welfare system that one has to take into account. There is the review of the NIB, and I understand that an actuarial review is taking place with respect to the whole system regarding the National Insurance Scheme.

There is the question of vagrancy, which is a very huge problem affecting our society, Mr. Speaker, and which the Minister of Social Development has been attacking and will obviously be bringing to this Parliament before long, a holistic, comprehensive plan to deal in a very humane fashion under certain different kinds of categorization, because there are different kinds of vagrants—those who are vagrants as a result of poverty, drugs, mental problems, family background, or having lost their self-worth—different categories and, therefore, they all have to be treated differently in the scheme of things and in terms of the social welfare policy.

Mr. Maharaj: And political vagrants.

Hon. M. Assam: Political vagrants too. Thank you, Mr. Attorney General. That is one aspect of the social welfare system which has to be dealt with.

Then there is the one that was mentioned by the Member for Arouca North with respect to street children. I, myself, feel appalled, Mr. Speaker, when I drive along the Churchill Roosevelt Highway, particularly at the Curepe Roundabout, sometimes quite late at night. I see these young children, some of them aged 5, 9, 10, 12, stopping motorists on the highway. Apparently they have no homes—

Mr. Hinds: And what is the hon. Minister doing about it?

Hon. M. Assam: —no parents. They are perpetually endangering themselves with respect to all the hazards associated with vehicular traffic, and, at the same time, being lured by unsuspecting people into all kinds of dangerous activities to themselves and to other people.

Mr. Imbert: It is they who put them there.

Hon. M. Assam: The problem of street children is a very serious one to address. It is becoming a kind of global phenomenon in urban life.

Then there is the question of poverty in general, Mr. Speaker. As you know, some people have been saying that the Minister Extraordinaire has nothing to do, which is a very uninformed statement.

Mr. Valley: Which is true.

Hon. M. Assam: The Minister Extraordinaire has been involved in a number of projects for the alleviation of poverty in this country. [*Desk thumping*] He has been approaching a number of international institutions—

Mr. Speaker: Hon. Members, the House is becoming a little too restless. We are having the greatest difficulty—[*Interruption*] I am certainly having the greatest difficulty in hearing the hon. Member who is speaking loudly. I am having difficulty in hearing him, and I am sure that the Hansard Reporter is having difficulty.

Hon. M. Assam: Thank you, Mr. Speaker. As I was saying, Mr. Speaker, the Minister Extraordinaire has been approaching a number of international institutions and organizations with a view to developing programmes and accessing funding for the alleviation of poverty in Trinidad and Tobago. He has been extremely successful to date, and I am sure with his wealth of experience and international contacts he will continue to do so, and to address the entire poverty situation in the country.

He has been working very closely with the Minister of Social Development. Indeed, he is Chairman of the Committee, as I understand it, of this whole programme with respect to the National Council for Social Development. This is part of the entire social delivery programme that this Government is working on, and that will be unfolded to the national community before long.

Mr. Speaker, we are also very interested in institutions. As a matter of fact, when the St. Dominic's Home was burnt down recently, this Government immediately went to the aid of that institution, and plans are being put in place to rehabilitate, improve and modernize that institution with the assistance of the private sector and NGOs, but also with the assistance of this Government and the initiative of the Minister of Social Development.

Only recently a note was introduced to Cabinet to deal with the Princess Elizabeth Home. As you know, there is a certain crisis in that particular institution and we are very concerned about the children there. The Government is studying a Cabinet Note now, with respect to how to proceed to deal with this very important institution, and the children who inhabit it.

Mr. Speaker, these are all facets of the social welfare system which this Government is attacking from all fronts. Nobody has said that the previous government

did not do anything. We say they did not do enough, and did not put down a platform of social welfare systems and programmes through an informed social welfare philosophy that would have endured to today, and manifested itself in some of the important work done, so that people who are afflicted today could have benefited from those systems.

3.40 p.m.

Mr. Speaker, these two Bills, in my opinion, are very simple amendments, but they go a long way. The Member for Arouca North said that we should have gone beyond five years. We have moved it from two years to five years and still he is not satisfied. Do Members know that in many jurisdictions if one has a residency card and fails to visit that particular location after six months, he runs the risk of losing the residency? We are saying that we have moved the threshold from two to five years and still the Member for Arouca North is not grateful for this magnanimous gesture on the part of the Government.

As a matter of fact, many things could happen between two and five years. If one could be away from one's jurisdiction for five years, it means to say that one must be earning an income, or is the recipient of some kind of benefit, wage or grant, wherever one is, in order to survive. One cannot be surviving on nothing if one has been away from the jurisdiction for five years.

Consequently, I do not believe that a five-year period is one that can be dismissed very lightly.

Mr. Narine: Thank you very much, Member for St. Joseph, for giving way.

Mr. Speaker, I said I accepted that moving from two to five years was a good decision. However, I was indicating that I had a particular case in which one of my constituents went to the United States of America to take care of her daughter who had cancer, and stayed over that period of five years. In writing the Minister—I have a copy of the letter here if he would like to have it—an affidavit was submitted showing that the person was not employed. I am not saying that the five years should not stay, but the local board for the old age pension and the ministry should review cases according to merit. This is what I was saying.

Thank you very much.

Hon. M. Assam: Thank you for making another speech, hon. Member for Arouca North. If your government was so compassionate; if your government was so concerned; if your government had the interest of the disadvantaged at heart,

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why did the former Minister of Social Services—whose name you called during your contribution, Dr. Linda Baboolal—receive a letter dated February 17, 1995 from her own ministerial colleague, Dr. Keith Rowley, Member for Diego Martin West, pleading with her to entertain a plea and use her ministerial discretion with respect to a particular applicant who had lost benefits during the period the person was out of the country, and she did not prevail upon the Cabinet at the time to make some kind of consideration to restore the benefits of these individuals? Why?

Dr. Rowley: Mr. Speaker, I thank the Member for giving way.

Mr. Maharaj: He could talk now, the Member for San Fernando East is not here.

Dr. Rowley: Just to clarify a point insofar as the Minister raised a matter about a person who was a minister and who is not here. In that particular matter the then minister sought to assist, but was constrained by the law. This matter involved a person who was abroad for a very long time and it turned out that even though the former minister wanted to assist the law prevented her. Even this present amendment would not allow the current minister to assist such a person because the person was abroad for a period longer than the law then catered for. So, it is not really correct to imply that the minister of government did not do anything or did not give consideration.

Hon. M. Assam: Mr. Speaker, I do not want to quibble about this thing, because as I said, I do not want to get up and make a contribution having to contradict and argue with the Members opposite. What the Member is saying does not make much sense because the long period of time he is talking about was three years, 1988 to 1991. The stipulation was two years. He said in his letter that the person was out of the country between 1988 and 1990, that is three years. More than that, if the then minister was constrained by the law and could not address the matter, the Cabinet had the power to introduce a bill into the House to change the law.

I do not understand why the Member is getting up like some bleeding heart and attempting to excuse himself. He belonged to a Cabinet and saw a problem facing the disadvantaged and the old people of this country who served the society and who were in receipt of a meagre stipend. If he was a caring minister so concerned with the disadvantaged population he could have prevailed upon his Cabinet to introduce a Bill into the Parliament and then into the law as we are doing today.
[Desk thumping]

The Member for Diego Martin West was not unique. He was followed up by his colleague, the Member for Diego Martin Central, with a letter to Dr. Linda Baboolal, Minister of Social Services, dated May 5, 1995, dealing with the same matter; asking for some kind of consideration to be given. It is the identical case the hon. Member for Diego Martin Central was pleading. So, it came up on February 17 and again on May 4, 1995 and they did nothing about it as a Cabinet, and today they are trying to defend themselves. It is an indefensible position to come here today! [*Desk thumping*]

Mr. Valley: Mr. Speaker, for the records, my colleague the Member for St. Ann's East, did put on the record the fact that the Cabinet had taken a decision to extend the time to five years and that was part of a package of legislation. Our approach, of course, was quite different to the Government's approach. We were not coming with piddling legislation dealing with the social sector. We were looking at an integrated approach, Mr. Speaker.

Hon. M. Assam: Mr. Speaker, there was a recommendation in the then Cabinet to extend it to five years; if wishes were horses all beggars would ride. [*Desk thumping*]

Mr. Speaker, the Bill also intends to tidy up the situation. There are so many different situations where there is abuse in the social welfare system and the old age pension system. Therefore, all the Bill seeks to do is to increase the fines to ensure that the thing is tightened up and also to ensure that the conditions for eligibility are properly spelt out and observed. The criteria must be such that no one must be in any way disadvantaged, therefore, there is an appeal system to deal with anybody who feels he or she is not treated fairly. That is a simple matter before the House today.

Obviously, there is another provision in the Old Age Pensions (Amdt.) Bill that would permit the state to sue and to recover any moneys that have been overpaid. In essence, this is all that these two simple pieces of legislation intend to achieve on this particular occasion. We would be coming to the House on other occasions with a more comprehensive approach to the question of social welfare and the question of the increases from \$5,000 to \$7,500 to \$12,000. There is another budget to be delivered in this House for 1997, so why is the Member for Arouca North so impatient? There would be many budgets before this House expires, therefore he should wait until the Minister of Finance presents the 1997 budget. I am reasonably sure that once the revenue base permits it, certain adjustments to

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the benefit of the disadvantaged in this country would be made and he would be pleased that, perhaps, social welfare and old age pension would be one of those areas targeted in the 1997 budget for some serious consideration where the various levels or thresholds will be dealt with in a very rational and humane fashion.

3.50 p.m.

This is always an area which draws a lot of attention simply because people like to politicize matters affecting the disadvantaged, ordinary people of this country. I think it is a very dangerous thing for us to make statements in Parliament that would excite the people outside there to become emotional, knowing fully that every country has a certain limited budget with limited resources. One cannot give more than one's resources allow. Each administration must be very cognizant of that when it is in Opposition and not try to give the impression to the public that the Government has unlimited resources to dispense because of the competing interests, and the need to allocate resources in a manner which would bring about balanced, integrated, equitable and just growth in the society.

With these few words, I hope that all Members on both sides would not have any difficulty in supporting these measures. I commend them to the entire House.

Thank you.

Dr. Keith Rowley (*Diego Martin West*): Mr. Speaker, I rise to make a very brief intervention. I begin by saying that the two amendments before the House have my total support and that of my colleagues on this side. The matter is not contentious. Had I felt like making a longer contribution, I would have dealt with the whole question surrounding the circumstances of a number of persons who are in receipt of old age pensions and find themselves as heads of households in many cases.

In my situation as representative, I have found that many pensioners are supporting the children of persons who are quite able, physically, but for a variety of reasons those pensioners end up rearing those children. To me, it is in those circumstances that the hardships are the greatest. I think that in itself is something which needs to be looked at very carefully to see to what extent extra burdens are being placed on these persons. I do not want to go into the details of that.

I was making a point to the Member for St. Joseph, who is one for dramatics, to explain to him that insofar as he had raised the situation about someone seeking to get special consideration having been away for five years, if that person said that he was being denied his rights of old age pension because he was abroad, one found that at the middle of last year, the law as it stood said that if a person was abroad for more than two years, such a person could not be helped even if he were of the age.

If one listened to the Member for Nariva and the Member for St. Joseph in particular, one would get the impression that this amendment deals with this issue in totality and finality. We are all caring. He can be as dramatic as he likes. When one goes to one's constituency office one would find that there would be somebody out there, probably with greater hardship, who would be denied access to this programme having been abroad for five and a half years. It is a relative matter.

In fact, there is a situation in my constituency of someone who is desperately in need and had been abroad for 24 years. The person is back here now and is really in need. What are we going to do? Demonstrate that we are as caring as we can be and make the limit 24 years so as to catch that person, or make it 100 years to catch all persons? To say that someone turned up last year and was denied by the law which sets the limit for being out of the country as two years and that in some way reflects on the government of the day having not amended the law to catch that person by bringing it to five years, is nonsense. They have come forward now with a Bill. We support it because the time is being extended to five years so a few more persons who have been abroad would not be denied old age pension.

I think we are missing the point about old age pension and it is something on which we need to focus. I agree with the Member for St. Joseph that we must not seek to politicize this matter in such a way as to give people the impression that they ought not to get. In our national community there is a point of view among some of our elder citizens that old age pensions—I have heard it on the call-in programme—is something that Butler left there for them and the Government is not giving it to them. Another point of view is that old age pension is something that as of right one is entitled to at a certain age and once one has reached that age one must have it. We need to put it back in its correct perspective. It is a form of assistance by the state to those persons who have reached a certain age who are deemed unable to look after themselves as the state would like to see them look after themselves, having set a certain minimum threshold.

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That is why those restrictions were there. If a person had spent his resources bringing up his children and they had done very well, there is a condition where, if one were supported by one's children one could not qualify; if one has land generating a certain income level of pension, one cannot qualify. It is not really a question of having reached a certain age, therefore it is an entitlement. We can put that back on track. Insofar as we extend the limit by this amendment to allow a person to be away for five years and not lose access to the window of relief, we would assist a few more persons.

There would certainly be people out there who would have been away for a longer period of time who would have come back to this country and would seek to access old age pension and still be denied under the law, as of next week or next month, even after we pass this Bill. We must recognize that and not seek to give the public the impression that we have made an amendment which would allow that particular problem to disappear forever. We have put a reasonable limit. The philosophy behind that is if one lived abroad for a long time; built up someone else's country and acquired a pension over there, we expect that somehow the person would have been taking care of himself and would not expect the same claims on the resource pool, which is not unlimited, as the Member for St. Joseph quite correctly said. We have to limit it in some way. We agree with the Government that if a person has been living abroad for more than five years, old age pension should not be accessed.

I do not see what is the problem. If 10 years from today another government decides that there are cases in the country where people are being denied and the limit should be 10 years, then another government would raise the limit. I hope that the minister at the time would not be so narrow minded as to argue that the UNC/NAR Government was not visionary enough to make the period 10 years, and only made it five years.

Thank you.

4.00 p.m.

Mr. Eric Williams (*Port of Spain South*): Mr. Speaker, I rise this afternoon to make what I hope would be just a short intervention on these two Bills. I have been listening very closely to what has been said and what has not been said. I have also, Sir, been listening very closely to what my constituents have been telling me over the few months that I have been a Member of this august body and have had the pleasure to serve them.

I also rise to speak because my first child is Down Syndrome. He is one of the people who would be directly affected by the legislation before the House today. Because I am a parent, I was a founder of the National Association for Down Syndrome and was there when the hon. Member for St. Augustine was invited to join us in founding that body. Even at that time one of the ideals that we had, and still hold, was for the full integration of the disabled into the society, particularly when some of the research we have been doing shows the sheltered environment that exists in metropolitan countries for the disabled.

When I heard that there were going to be some amendments, old age pension was not the part that caught my eye, but the whole business of public assistance. Quite a number of people contacted me and said that they hoped that finally somebody would deal with the socially disabled. The previous administration had a safety net and I imagine that at any time it may have gone in a particular direction, but that was not to be. The level of expectation though among the persons who contacted me, and certainly of myself, was that we would see some additional measure to deal and treat with some of the more fundamental issues that surround the disabled. In fact, one lady made the comment to me that the present Government boasts very loudly that it is very caring.

I speak from the point of view of a parent who is distressed to see now, that my son would have to reach the age of 40 before he is able to access public assistance. Because he is my son, I would support him, but there are others who do not even earn what I earn—which is not even the world—and who are faced with the burden of rearing their children, and they do so lovingly because they are parents. There are quite a number, of course, who shirk their responsibility but that is human nature. There are a number of loving parents who expend much emotional and physical energy and much of their economic resources to rear their children and young people who are handicapped.

These young adults may not be able to obtain the regular employment that someone who is not so mentally and physically challenged might be able to obtain, but who conceivably have a certain level of responsibility and can be trained to get on with life in something of a normal fashion. At the age of two or three, my son was able to figure out how to get around the child lock on the back door of a car and that speaks of a certain level of intellectual ability. It is possible that, over time, put into a sheltered environment or in some sort of workshop environment, such persons could lead somewhat of a productive life in the society.

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So after eight months of what we have been told is a very caring Government, a number of persons have expressed disappointment to me and I must say that I am, too, a little disappointed that my son would have to reach the age of 40 before he can access any sort of assistance from the state. In fact, Sir, the condition of Down Syndrome in my son's case is called trisomy 21—there is an extra chromosome on the 21st pair. Some of the genes in that set of chromosomes are linked to alzheimer's disease and the life expectancy of individuals with Down Syndrome is somewhere around 35 to 40 years. So that in its intent and purport my son may never live to be the recipient of this measure that is before the House today.

There are a number of similar cases, so I think it is good that this measure has come to this House today. Regardless of who could have, would have or should have brought it, it is here and we will treat with it. However, I ask that consideration be given to providing some sort of public assistance to families, particularly of disabled individuals, as is done in countries such as Canada, and I am told Sweden, where, because someone is born with a particular disability and is either physically or mentally challenged, that family is in receipt of a stipend that takes cognizance of the condition of the child and so some of the bills are alleviated by the state. That is something I commend to this caring Government as one means of providing public assistance to our physically and mentally challenged individuals.

Having made that particular point, I was listening with some interest when I heard the hon. Minister of Labour and Co-operatives point out that those who lead can provide the mechanism to care for the needy and so forth. I was not going to say anything, but one night I was in my constituency, which includes the city of Port of Spain, and there was one youngster on the Brian Lara Promenade and another at Republic Bank on Independence Square, and they were looking at each other's backs. One came to me and said, "Sir, could you give me some money to buy some food?" Well, I make it a practice not to carry around money to give people, but if they wish food I would buy food for them." I think the "gime gime" syndrome must go away. That is my particular approach. I enquired of the young man his situation and what he wanted to eat. He told me he wanted to get a roti and I said we should go to look for it. He asked whether he could bring his friend. He called his friend from across the street, by the bank, they got into my car and we went to look for a roti. The place to which they wanted to go was closed so we settled for Kentucky fried chicken. Some people might say it is not the best of

meals, but that was what they wanted and I wanted to help them. While taking them to my home would have afforded them the best meal, that was their preference. We aim to please.

4.10 p.m.

We got to talking and I asked how they came to be on the streets, whether their family got any public assistance for them and whether anyone was taking care of them. One of the young men volunteered to me, Sir, that he had once been adopted by a statesman in this country. He said to me that he had been given a watch which did not last very long and he felt as though his benefactor no longer cared about him. I subsequently found out that the young man, because of his life on the street, and because he had been taken advantage of by predators in our society, that young man, I am told—I have to say I am told because I was told by a responsible officer who tries to look out for him on the street—has contracted an incurable disease which is known to be fatal in many cases.

When I heard the hon. Member for Nariva say what he said about those who lead can provide the mechanisms to care for the needy, I remembered that heart-rending story. I suggest that those who lead should really see about taking care of those who are truly in need, and particularly those who they have covenanted to take care of.

Mr. Speaker, in the few months that I have been here, I have seen close to 200 or so constituents who come to my office to enquire for some sort of help from their Member of Parliament. Twenty per cent of those who have come to me have enquired about two things: public assistance of a direct sort from the Ministry of Social Development and housing; usually there is a combination of the two. In fact, among those who have come in for housing are four folks from the John John area. I have their names, addresses and their incomes. They said to me, “Mr. Williams, I earn a certain amount and I see that the NHA put up some buildings right there and I would like to move in and I would like you to write a letter for me to whomever it is necessary.”

Mr. Speaker, some of those people are humble folks from the John John area, and some are daily-paid persons. One couple Mr. and Mrs. “X”—I would not call their names in Parliament because they have given it to me in confidence—combined income is \$2,696.00; Miss “A” a single parent, has an income of \$1,200 she is hoping to get married to Mr. “C” who is a mechanic and that might boost her income; Mr. and Mrs. “L’s” combined income is \$3,652; Miss “S” is a single

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parent who is about to be married—and her husband-to-be has a little job on the side so she hopes that their income would improve—wants to apply; she earns an income of \$2,900. These people have come to me because they were led to believe that subsidized housing in this nation is a form of public assistance. In fact, the wife of one of the married couples works in a construction firm and she worked on the building of the John John Towers so she perceived—as her house was singed by the fire and she still lives in the area—when she worked on the tower, that she was building her potential home.

When I saw in the press that there were some plans to do something with the John John Towers, and then I heard on the news yesterday, to my shock, that the John John Towers—which the folks in my constituency perceive as public assistance, because they are subsidized houses—are potentially going to be a footballers hotel, I had to speak to some of my constituents to ask them to hold their peace because they are upset. They are upset that a government that has come to them and said: “We care about you,” has done this to them. In fact, they were actually led to believe that they would have had access to these towers because the hon. Minister of Housing and Settlements invited me, along with many of my constituents, to view a plan for the development of Port of Spain including John John and Sea Lots, and because of the close relationship that the hon. Minister and I have had because of our association with the handicapped, I said to my constituents, this is an honourable man, we can trust him. Let us trust him; he said that we will have the place; in fact he said that he will consult with your representative prior to anything being done with the John John Towers. It is with some regret that I must say, given what I now see in the press, that I am disappointed.

Mr. Hinds: You cannot believe a word they say. Not a word! They speak with two faces all the time.

Mr. E. Williams: I tried my best to stay out of the discussions prior to this swirling around the John John Towers but I must say I am disappointed, particularly when I look at the number of—*[Interruption]* Mr. Speaker, much is being made of an informal meeting among colleagues of the sort that goes on when other people’s Prime Minister leaves the country. True unity is when brethren can congregate together and share ideas. *[Interruption]*

4.20 p.m.

Mr. Speaker, I have before me a list of the footballers who are part of the present national team who are likely to be placed in this hotel. There are 27 names before me. Twelve of these footballers are foreign-based and they earn sums from lucrative contracts over their playing life in foreign countries. There are 15 who live in Trinidad and Tobago.

Mr. Speaker, the impression being given is that this is some form of permanent housing for footballers. One would have thought that if houses were built to house people in a permanent manner and are being given out to—I think the comments that were made at the Prime Minister's house was that it is time houses be provided for these footballers and also jobs, coaching jobs; as if that had never been done in this country. But, Mr. Speaker one cannot be blamed for getting the impression that this is permanent housing for the footballers. John John is in my constituency and if the Government wants to house footballers there in John John, I could think of a number of places that would be more suited to housing our national footballers.

Mr. Speaker, I am aware that a number of state enterprises, because they are focusing on what is now called their "core activities," are seeking to divest a number of subsidiary activities which do not contribute to their core activities. I am also aware that a number of these state enterprises are seeking to divest, among other things, their housing plans, their housing estates. In fact, on these estates the houses sit on a fair amount of land around them. They have all been built in environments which were considered to be idyllic: the air is pure, there is very little traffic, so that a health conscious person could go jogging without fear of being run over; they are in what could be considered enclaves, so that crime is low; they are away from traffic, so that they are quiet, and they afford rest.

Mr. Speaker, just recently I was driving through, among other places—because I am employed at Petrotrin in my other capacity, I have access and live partly in my constituency, partly at the Pointe-a-Pierre camp, so I can tell you about that. I am there. Mr. Speaker, I know of which I speak. I was made to understand that the housing estate—if you were to say that Pointe-a-Pierre or Point Fortin is too far, for instance, I understand that the housing estate at Sevilla is up for divestment, potentially, and it is closer to Port of Spain. It would not be difficult to put a proper training ground there for our national footballers; and it would afford a much more idyllic location for our national sportsmen to relax, recreate and to train.

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But, Mr. Speaker, what do we see? Houses that were built for public assistance in the John, John area for fire victims, are now being used for a purpose other than for what they were designed. One can throw all of the politics into it, or take it out. It is not the best for the footballers and it is heart breaking to my constituents who live in the John John area. I consider, personally, that it is heart breaking to me, because it has caused me to be disappointed in someone whom I considered very highly.

Miss Nicholson: Why did you not offer them something in the past?

Mr. E. Williams: I was also told, Mr. Speaker, that I will be consulted on the issue of Sea Lots, where again a considerable number of people, my constituents, come to me for public assistance. The airport was going to be on the other side of NP further to the East not in Sea Lots. But, Mr. Speaker, imagine my surprise when one of my constituents comes to me and shows me an article where the Port Authority which is the rightful owner of the land—I am told—has put out for tenders to build the area into an industrial estate. And they said: "Mr. Williams, Mr. Williams, remember they were going to consult you. They consult you yet? They consult you yet?". And I had to shamefacedly say: "No. I have not been consulted."

Mr. Hinds: You should not be ashamed, they should be ashamed.

Mr. E. Williams: No, I am ashamed.

Mr. Hinds: They should be ashamed.

Mr. E. Williams: No, I am ashamed.

Mr. Hinds: No, my brother you should be proud.

Mr. E. Williams: I am ashamed, because I gave my word. And I have had to retract it.

You see, Mr. Speaker, it was reported to me that there are some eight URP projects in Sea Lots. Never mind the fact that there has been no consultation with me by the hon. Minister of Works and Transport, and where are the highest priority areas for URP projects—never mind.

Mr. Speaker: It is the policy of the Chair to allow latitude, but I do think that we are veering a little too far away from the main issue that we are discussing.

Mr. E. Williams: Yes, Mr. Speaker. I thank you for your guidance, but I was coming back. If you think I diverted, it is because I am ashamed. People come to me for public assistance and I see the whole thing coming together. So please forgive me.

Mr. Speaker, it is with some concern that we are not seeing some sort of increase in the pension allowance to our senior citizens. They, like the public servants, were led to believe that upon a change of government certain promises were going to be put in place almost immediately.

The current pension, as I understand it, is \$360.00 a month. And I believe that a number of rather rash and wild promises were made to increase the amount of old age pension. Just before I came to this House, Mr. Speaker, a number of friends of my parents-in-laws who are themselves old age pensioners, expressed their disappointment when they asked me in their usual parental manner about what was going to be presented today in Parliament.

So, Mr. Speaker, I want to point out that there are a number of things about the legislation that is before us today that are good. They are timely; in fact, some are overdue. But, it is also true to say that a lot more ought to be done by a government that is caring.

Mr. Speaker, I thank you

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

4.30 p.m.: *Sitting suspended.*

5.05 p.m.: *Sitting resumed.*

Mr. Colm Imbert (*Diego Martin East*): Mr. Speaker, I was slow off the mark. I am very sorry; and my intervention would be very brief, just a few points that need to be made.

Essentially, the reason I rise is to make the point that we on this side, as the Member for St. Ann's East has pointed out, feel that the whole question of the alleviation of poverty, assistance to the poor, the elderly, the disadvantaged, is too important to be treated in this piecemeal fashion and cavalier, superficial manner. We really would have expected the Minister to give us an overview of a policy emanating from his ministry in this area, and the entire rubric of the measures and legislation he intends to bring before the Parliament; the purpose and intent of all these proposed actions on his part, and exactly how he sees the situation in

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Trinidad and Tobago relating to public assistance; how his administration intends to deal with it.

It is unfortunate that the Minister has just come into this House with a prepared text on these two Bills, and really has not given us the benefit of the vision of the other side. I believe the reason is that they are simply following through on the very solid foundation laid by the past PNM administration and, in fact, these two pieces of legislation flow from the work done by the PNM in the last term; and, as the Member for St. Ann's East had pointed out, Cabinet had taken a decision in 1995 to upgrade the period where a person can be absent, from two to five years. I simply wish to make that point and before I sit, I also wish to expand on the point made by the Member for Port of Spain South, that the present administration's approach to the administration of justice is, in fact, disappointing.

I was told a story which I must repeat in this Parliament, that there is a captioned photograph in the newspapers today about a funeral that was held in the East Port of Spain area. In fact, the Port of Spain Corporation, the Member for Port of Spain South, and one of the councillors contributed towards the funeral expenses of the unfortunate family. The Member for Port of Spain South also contributed to the expenses during the wake. This is the action of a caring political party, a caring political movement. I am advised that, although the PNM representatives/bodies involved gave substantial assistance to that unfortunate family, a certain member of the present administration found himself in East Port of Spain with a packet of Crix and a block of cheese, and that was the UNC's contribution to that unfortunate family. Really, it underscores the UNC's approach to social assistance, giving people the crumbs and preventing them from having the meat, with apologies to the vegetarians present.

Mr. Speaker, again the issue of the John John Flats is a case in point. The parliamentary representative for that area has made the point that the people of John John expect to live in those apartments. We constructed those apartments for them, and we intended to subsidize those apartments for the people of John John. The Minister of Housing and Settlements has made the point that the buildings cost a certain sum of money. By rough calculation it would be somewhere between \$5—\$6 million, and we now hear that they intend to sell the building for \$3 million, a subsidy of \$3 million. If the building costs \$6 million and they are selling it for \$3 million, they are giving away \$3 million.

The point that the Member for Port of Spain South was making is, why not offer the people of Port of Spain South that same opportunity to purchase those apartments at 50 per cent of the actual cost? If the apartments cost \$270,000, let the people of John John have the opportunity to purchase them at \$135,000. By selling that block of flats to an organization at half the cost price, they are, in fact, subsidizing it by 50 per cent. Why subsidize an organization in preference to the people who live in the area, and who have legitimate aspirations to own property and upgrade their standard of living? Why do that?

Then one looks at the point, again, made by the Member for Port of Spain South, that one could easily find alternative accommodation in a better area that is more relaxing, and does not have the problems of traffic and pollution; that would be a more congenial environment and better for our sportsmen. The Member for Port of Spain South made the point, also, that there are buildings available in Sevilla in Central Trinidad in a relaxing atmosphere, which would be just as beneficial to our national footballers.

I hope the Government is listening because these are serious points. If they want to do something for the footballers, fine! We wholeheartedly support that. Any political party would be churlish, to use the language of the Member for St. Joseph—he likes words like that—if it did not support a move to improve the conditions for national footballers who are in need of public assistance, as it were, which brings me back to the matter under debate.

There must be some logic in what they do. I understand that the Minister of Housing and Settlements wants to create a \$3-million fund which would be rolled over. Fine! No problem. I am proposing that this fund be established by allowing the residents of John John—many of whom are capable of affording apartments in the \$135,000 range—the opportunity to see whether they can access these apartments; whether they meet the banking criteria to raise the necessary loans for an apartment in the range of \$135,000; and raise the same \$3 million. They would then achieve the objective of creating a fund for the continued development of John John. *[Laughter]*

That is the warped, superficial and cavalier manner in which Members on the other side dismiss important proposals coming from us on this side. But, go ahead. It is clear to me that they do not like to take advice; they continue to do things which will be to their detriment. Be my guest! I simply ask that in the future, in matters relating to public assistance, when these serious matters are debated in this House, the Minister should give us a complete overview of the policy of the

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administration towards public assistance, and let us see the differences between their policy and our policy, because I did not hear anything in what the Minister has said that is any different from the policy that was formulated by the PNM in the 1991—1995 period. If there is any difference at all, it is not significant.

5.15 p.m.

These Bills all flow out of the work done by the Ministry of Social Services under Dr. Linda Baboolal and, subsequently, by Mr. Huggins. It all flows out of the work done by PNM ministers. This legislation is simply a product of the work done [*Interruption*] Yes, the Member is absolutely right. It flows from work done by other administrations prior to 1991.

I wish to make the point that when ministers of government come into this Parliament and pretend that the legislation they are bringing before this House just suddenly dropped out of the sky yesterday, they are doing us all an injustice. There is nothing wrong in giving credit where credit is due. There is nothing wrong with that and, certainly, the process started in the 1980s. I would not deny that at all. The process started in the 1980s, was continued in the 1990s and it continues today. This legislation is, in fact, the culmination of the good work done by the former ministers in the PNM administration of 1991 to 1995, and ministers in the administrations prior to that.

I simply want to make one recommendation before I sit. Unfortunately none of the legal representatives of the Government are here, and I do not know if the Member for Caroni East qualifies. Through you, Mr. Speaker, I ask the hon. Member for Caroni East to listen to my recommendation. The hon. Member for Arouca North made the point that persons who may have lived in Trinidad and Tobago for over 60 years, because of the residence requirement—the period of five years—would be denied old age pension. I am proposing an amendment, which I would put in writing for the committee stage. I compliment the hon. Minister for that increase; it certainly would deal with many of the problems that exist at the present where a person has been out of the country for two, three or four years—and for including that PNM recommendation in this legislation.

The point I wish to make is that in clause 4(2) we should add words to the effect that in addition to the absence not exceeding five years in the aggregate, persons who have been resident in Trinidad and Tobago for an aggregate period of 60 years should also be entitled to old age pension. So you would have the person who is aged 67, perhaps, who has been out of the country for six years but has

lived in Trinidad and Tobago for 61 years being denied a pension. I am simply recommending—I cannot see that would hurt anybody—that the Government puts into the legislation that in addition to the five-year period, persons who have lived in Trinidad and Tobago for a period equal to or exceeding 60 years be also entitled to old age pension. I ask the Minister to seriously consider that at the committee stage.

Finally, I believe that the emphasis of this administration should be on comprehensive social legislation, given the performance of the economy. Because of the work done by the PNM in the 1991—1995 period—and before the Member for Caroni East jumps up like a jack rabbit as he is so often wont to do; you see he was an NAR candidate before he defected to the UNC—I would also say the work done by the NAR in the 1986—1991 period and the work done by the PNM in the 1991—1995 period, the economy is now in very good shape and I think that the emphasis of any government should now be on social legislation to deal with poverty, the pressing social problems that exist in the country, and perhaps we can have some ease from this rash of legal legislation, justice administration legislation. We are just being bogged down with these piddling little bills, piecemeal legislation; changing a comma here, changing a capital "P" there. I would prefer that the Government place emphasis on social legislation and that would deal with the problems of crime and unemployment.

In summing up, I am asking the Minister to consider very seriously the recommendation which I have made, that persons who have resided in Trinidad and Tobago for an aggregate period of 60 years or more be entitled to old age pension no matter how long they were out of the country. There are persons 70 years old out of the country for 10 years, living here for 60 years and I think it is wrong to deny such persons old age pension.

I thank you, Mr. Speaker.

The Minister of Social Development (Hon. Manohar Ramsaran): Mr. Speaker, I am very happy to have heard some of the responses from the other side and I congratulate the Members on this side for their understanding of what we are doing in this country.

Mr. Speaker, I listened to the Member for St. Ann's East and I thought his contribution was very good. He asked some questions that I would attempt to answer to let his mind rest in peace because from hearing him, I understand that he

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might be the shadow minister of social development, so I would educate him as I go along.

He spoke about social and economic growth. That is what was said by the Member for St. Joseph. We could only give as much as the economy allows. I agree with him fully that once the economic growth allows, social growth in this case would not be left out as was done in the oil boom of the past, but this administration would ensure that social and economic growth take place together.

He spoke about the social delivery system. Mr. Speaker, it is a fact that it started under the last administration and we on this side would not take basket from the Member for Diego Martin East and throw everything that went before through the window. We would look at what is good and keep and improve it; and we would give credit where it is due, and in a while I would give some credit. But that social delivery system is still being pursued and the UNDP would be submitting a report to us very shortly. When we have that we would come to this Parliament and let the country know what we are going to do with the social delivery system.

As was alluded to before, the Minister Extraordinaire is leading what we call the National Council for Social Development and we are in the process of taking all decisions that were taken at foreign conventions of which we were a part. The former prime minister went to a few. We are going to look at all these conventions to ensure that time was not wasted and we are going to see how we can improve Trinidad and Tobago through all these conventions.

The National Insurance Board: The fifth actuarial review is taking place and the Cabinet-appointed committee has met and made certain recommendations and at the end of the fifth actuarial review we are going to take their views into consideration and to ensure that, yes, we would step in and make the National Insurance Board a viable institution.

We mentioned public assistance under age 40 years. We in the Ministry of Social Development have a policy in place where disabled persons under 40 years receive public assistance. What we are doing now would be giving a disability grant. Disabled people 18—40 years, public assistance of \$101 and 70.15 per month, that is for food; and disabled children under 18 year, special child grant of \$80 per month.

Mr. Speaker, we are dealing with everybody in this country who is in need and asks for assistance.

5.25 p.m.

He mentioned hand-outs. Immediately after coming into office, in one of my first speeches, I mentioned the word "hand-out". After listening to some complaints from other parts of the country, I spoke to the constituents of Chaguanas and told them that in order to remain strong and resolute we must stop this hand-out business. I am part of a government, as echoed by the Prime Minister throughout the country, that must teach people to fish instead of giving them a fish. This Government is on that course. Hand-outs would be a thing of the past.

I listened to him and I am giving him the answers for which he asked. As for clause 5 dealing with section 6A(a) and (b) which he queried, the local board is now required to process an application within 90 days of receipt of that application and inform the applicant of its reason for rejecting the application. The applicant has 60 days within which to appeal to the central board if he so wishes. If the central board refuses his appeal, he can now make a final appeal to the Minister within another 60 days. If the local board fails to either approve or reject an application within 90 days, the application would then be deemed as approved.

He queried whether we do not have confidence in our board and officers. In the past, for some reason or other, which we would not go into at this time, applications were made but they were not looked into. That was the end of them and the people kept asking what was going on. Nothing was in place. Now a caring government has introduced this to ensure that the applicants are well served.

The Member for Arouca North mentioned a letter which he wrote to the ministry. I read the letter and, immediately after, I got in touch with the person from Tunapuna. We reviewed the case and realized that the person failed to qualify because of the two-year ceiling. We offered her public assistance. I want them to know that once a person comes to represent the poor and disabled people in need, this Government would receive them with open arms. He queried why we did not raise it to more than five years. Since 1939, this was not changed from two years. Here we are doing it in a short period of eight months and enough is not enough for them.

At one time, the preaching of the Member for Port of Spain South was reaching me; it was touching the souls of the Members on this side until he spoke about some adoption. We feel that was unfair. In Trinidad and Tobago sometimes people cannot see about their children. A person was adopting someone and

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because something went wrong, they try to castigate the person. I think that is very unkind. *[Interruption]* Something went wrong with the child. It is his individuality. We cannot do anything about that. Even a minister here can do something wrong. We know the Members opposite do a lot of wrong all the time. The fact is, that is a very unkind statement.

I want him to know that people with disabilities whether physical, mental, or hearing impaired who are unable to work, qualify for social assistance. However, there are other criteria which must be met such as income ceiling and other parts of the Act. It is not fair to say that a person did not get it because of one part of the Act. One must satisfy all the different criteria. Part of his speech touched my soul. As early as possible, I will ask my Cabinet colleagues to look at the children suffering from Down Syndrome and other such diseases. We would have a comprehensive look at their needs and their particular cases with a view to increasing present grants which are available to them.

We heard about footballers. I am sorry that the Member for Toco/Manzanilla is not here because he is a sportsman of sorts. When we hear people saying things about cricketers and footballers who represent our national team, we must be very careful. This could be misquoted in the newspapers as if they do not care about sportsmen. We on this side care about our footballers. The journey has now started and we would ensure that our sporting heroes and other heroes are treated as they so deserve.

We have the credit man—give credit where credit is due. In 1994, when the previous Cabinet drafted the first Bill which we presented today, and were questioned as to why discriminate against other persons with disabilities, and only blind persons were receiving pension, do you know what their answer was? It can be checked in *Hansard*. That administration said it would equalize the playing field and stop the blind persons from getting pension. I would bring that for them to read. This Minister not only stopped that, but my answer is to open up the facility to all persons with disability. I am giving credit where credit is due. We care about persons with disability. I would remind them that we are going to Cabinet to treat with people with Down Syndrome and other disabilities as we see fit.

Before I take my seat, recently a very sad thing was reported to me. I do not know how the Member for Tunapuna would receive this news. The Ministry of Social Development was promised a place in the administrative complex in Tunapuna when the building was started. There was a high-powered meeting at

which the ministry was represented. My officers told me that it was said that they did not want old people, pensioners and vagrants around the new administrative complex in Tunapuna. That decision was turned over. I have a letter in my receipt stating that the office of Social Development would no longer be housed in the administrative complex in Tunapuna.

They spoke about social displacement and street children. At the time of the last general election, that same administration denied that there were street children. Eight months after, they come to ask us about street children. We would not deny that there are street children and mechanisms are in place to deal with that. It is a process which is too slow even for my liking. Because of the nature of the problem, we have to move very slowly. We have to thank the Member for St. Joseph for trying to explain what is taking place with regard to the vagrants and street children.

I am very proud to be part of this Government. We have a letter to the Ombudsman but I would not go through it. Even if this is read the Member for Diego Martin would say it is not true. This letter was addressed to the Minister of Social Development, Dr. Linda Baboolal, and a carbon copy was sent to parliamentary representative, Mrs. Jean Pierre and the Ombudsman. Part of the letter states:

“I am an old woman with no fixed means of income. I am a citizen of this country and I have resided here all my life except for the occasions when I travel to visit my family. Am I being punished from receiving my old age pensions because of that? Is this how this country treats their senior citizens? God forbid.”

We in this Government would try to ensure that people do not pen those types of letters to any minister on this side.

5.35 p.m.

Mr. Speaker, I could go on and on talking about acts done by the previous administration because my file of letters to the then Minister is a very big one. I read them from time to time and it is really appalling to see how the old and poor were treated in this country. As I said before, I am very proud to be part of this administration which has come to this House to ensure that we move towards social and economic development in the 21st Century.

Question put and agreed to.

Bill accordingly read a second time.

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Bill committed to a committee of the whole House.

House in Committee.

Clauses 1 to 4 ordered to stand part of the Bill.

Mr. Ramsaran: Mr. Chairman, I beg to move that clauses 5 to 10 be renumbered clauses 6 to 11, respectively.

Question put and agreed to.

New Clause 5.

Mr. Ramsaran: Mr. Chairman, I propose a new clause 5 which reads as follows:

5. Section 10 of the Act is amended—

- (a) by deleting the full stop in paragraph (d);
- (b) by inserting after paragraph (d), the following paragraph:

“(e) to process an application within ninety days of the receipt of the application by the Local Board.”

New clause 5 read the first time.

Question proposed, That the new clause 5 be read a second time.

Question put and agreed to.

Question proposed, That the new clause 5 be added to the Bill.

Question put and agreed to.

New clause 5 added to the Bill.

Clause 6.

Question proposed, That clause 6 stand part of the Bill.

Mr. Ramsaran: Mr. Chairman, I beg to move that clause 6 as renumbered be amended as follows:

- (a) Delete the number “6” and substitute the number “10”.
- (b) Delete the section number “6A” and substitute the section number “10A”.

Mr. Chairman: In the amendment to clause 5 we did in fact take care of it in that the amendment there renumbered clauses 5 to 10 as clauses 6 to 11.

Mrs. Persad-Bissessar: Mr. Chairman, we appreciate that there is item (b) which deals with deleting section “6A” and substituting the section “10A”. We would need to have that done please. We need to do both of them.

Mr. Chairman: Hon. Members, you have before you an amendment to clause 6 as renumbered which has been circulated that we delete the number “6” and substitute the number “10A”; and we delete section “6A” and substitute the section “10A”.

Mr. Assam: Are you saying, Mr. Chairman, that after the new clause 5, the next clause is No. 10? Clause 5 is now clause 6, so we do not appear to have a clause 5. And what is old 5 now becomes 6, but you are saying that clause 6 has to be renumbered 10.

Mrs. Persad-Bissessar: We are not changing the numbers of the clauses anymore, we are dealing with the renumbered clauses.

5.45 p.m.

Mr. Assam: I am not following.

Mr. Chairman: Gentlemen, the Member is not quite clear and I think we have a responsibility to explain to him what it is. [*Explanation given*]

Mr. Assam: I get it now, Mr. Chairman.

Clause 6, as amended, ordered to stand part of the Bill.

Clause 7 ordered to stand part of the Bill.

Clause 8.

Question proposed, That clause 8 stand part of the Bill.

Mr. Ramsaran: Mr. Chairman, I beg to move that renumbered clause 8 be amended as follows:

“A. In the proposed section 11A.(1)—

- (a) in paragraph (b), delete the words “and (c)”;
- (b) in paragraph (d)(i), delete the words “an intellectual, psychiatric, sensory” and substitute the words “a visual, mental, auditory”;

- (c) in paragraph (d)(iii), delete the words “Director (Social Welfare)” and substitute the words “the Local Board”.

B. Insert after section 11B, the following:

“11C. Where a disability grant is first allowed under this Act, it shall commence to accrue at the end of the month after the date on which the claim is received by the Local Board or at the end of the month after the date on which the claimant first becomes entitled to the grant whichever is the later date.”

Dr. Rafeek: Mr. Chairman, I would like to suggest an amendment to the amendment. In paragraph (d) the amendment reads:

“in paragraph (d)(i) delete the words ‘an intellectual, psychiatric, sensory’ and substitute the words ‘a visual, mental, auditory.’”

I am suggesting, Mr. Chairman that we delete the words “a visual” and “auditory” as well. The new clause would read:

“is attributable to a mental or physical impairment”.

Mr. Chairman: Minister Rafeek?

Dr. Rafeek: Mr. Chairman, I withdraw the amendment.

Mr. Imbert: Mr. Chairman, how will the amended section 11A (d)(i) read? I am having some difficulty in understanding. When you take out intellectual, psychiatric and sensory how would it read? “is attributable to a visual, mental, auditory or physical impairment...”? I support the doctor. I think he is right. A visual and auditory are already physical impairments, so if you just say mental and physical, that is it.

Mr. Maharaj: Mr. Chairman, there seems to be a clash between the medical and the legal and having been advised by the Chief Parliamentary Counsel’s Department, it is on that basis that I went against the Minister’s amendment.

Mr. Imbert: I agree, but if you look at a visual and an auditory impairment, those are physical impairments. If you just say mental or physical, you would cover all of them. You are repeating things there.

Mrs. Persad-Bissessar: Mr. Chairman, because of the difficulty with the words intellectual, psychiatric and sensory, the legal drafting department is suggesting that we go with the amendment as we have proposed it. It seems as

though this is the direction in which the legislation in other jurisdiction has gone—to use the words “visual, mental and auditory.”

Mr. Imbert: That is why I asked the Minister to read the whole thing. Do you see what I am saying?

Mr. Maharaj: In order to cover everything, I am wondering whether we could go back to what we had before, because that would ensure—because I can understand the two conflicts of the two matters and to be on the safe side, if it reads: “is attributable to an intellectual, psychiatric, sensory or physical impairment or a combination of such impairments...” That covers everything.

5.55 p.m.

I should mention that the Australian legislation and other kinds of legislation like that, have the words "intellectual, psychiatric, sensory" and so forth. Mr. Chairman, let me withdraw this. Do you agree with that?

Mr. Chairman: Sure.

Mr. Maharaj: All right. Well, Mr. Chairman, I think this will avoid any doubts because there were many views on this matter. So in respect of that amendment in paragraph (d)(i), I would not pursue it.

Mrs. Persad-Bissessar: That is in common letter (b)?

Mr. Maharaj: Common letter "b".

Mrs. Persad-Bissessar: Yes.

Mr. Maharaj: And I will read it just to make sure:

- (b) in paragraph (d)(i) delete the words "an intellectual, psychiatric, sensory" and substitute the words "a visual, mental, and auditory".

I would not be pursuing that amendment.

Amendment withdrawn.

Mr. Chairman: And (c) will now be "(b)"

Mr. Maharaj: Yes.

Question put and agreed to.

Clause 8, as amended, ordered to stand part of the Bill.

Clause 9 ordered to stand part of the Bill.

Clause 10.

Question proposed, That clause 10 stand part of the Bill.

Mr. Imbert: Is this the renumbered clause 10?

Mr. Chairman: Indeed, the renumbered ones because we have already renumbered them.

Mr. Imbert: May I ask a question on clause 10 here, which deals with regulations? Is there any provision which would indicate whether this is by resolution of Parliament? It says, "The Minister may make Regulations for carrying out the purposes". Is this by resolution of Parliament whether affirmative or negative? Because I am not seeing it in the legislation.

Mr. Valley: No, no, not at all.

Mr. Imbert: That is why I asked if it is the renumbered clause 10 or the old clause 10.

Mr. Valley: It is the renumbered clause 10.

Mr. Chairman: The renumbered clause.

Mr. Imbert: Mr. Chairman, we are dealing with the renumbered clause.

Mr. Chairman: Yes.

Mr. Imbert: Okay, well then it will be 11, fine.

Clause 10 ordered to stand part of the Bill.

Clause 11.

Question proposed, That clause 11 stand part of the Bill.

Mr. Imbert: Mr. Chairman, I had asked whether the regulations would be made by resolution of Parliament, because it is not mentioned there. Is this an oversight?

Mr. Maharaj: No, no. Mr. Chairman. I think the Member wants to be enlightened and I do not think there is any reason why he should not be in respect of regulations.

In many of the instances where the primary legislation makes the provision for subsidiary legislation to be made, it does not have to be brought to Parliament. In

certain circumstances, either a negative resolution or an affirmative resolution was specified. In many pieces of the legislation that we make daily and those we have in the books, the Minister makes the regulation, they do not have to come to Parliament for approval, but it is a legal notice in effect.

In respect of this Bill, having regard to what the regulations are for, and the nature of the regulations, it is not necessary to have a resolution. It is not that kind of Bill in which one would want to occupy parliamentary time to have a resolution being filed.

Mr. Imbert: Yes, okay. Thank you. I was simply seeking that clarification.

Mr. Maharaj: Yes.

Mr. Imbert: So it is the intention not to.

Mr. Maharaj: Not to.

Mr. Imbert: Right. That is all I want to know.

Mr. Maharaj: If I may put the Member's mind to further ease—I meant the ex-Minister. I know he would like to be called a Minister. I was reading in the parent Act under section 16: "The Minister may make Regulations for carrying into effect the provision and purposes of this Act". So, it is not something new.

Mr. Imbert: Okay.

Clause 11 ordered to stand part of the Bill.

6.05 p.m.

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

House resumed.

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

OLD AGE PENSIONS (AMDT.) BILL

Order for second reading read.

The Minister of Social Development (Hon. Manohar Ramsaran): Mr. Speaker, I beg to move,

That a bill to amend the Old Age Pensions Act, Chap. 32:02, be now read a second time.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in Committee.

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

Clause 3.

Mrs. Persad-Bissessar: Mr. Chairman, I beg to move that clause 3 be amended as circulated. My understanding is that there was a list of amendments by the Minister of Social Development which was circulated.

Mr. Chairman: Is there a copy?

Mrs. Persad-Bissessar: My apologies, I meant no disrespect to the hon. Members of this House, but I was so advised when I entered the Chamber. We are checking, so give us a moment please.

I apologize to the Members of the House. Apparently, the drafting department was keeping them very safe in a briefcase. My apologies. The amendment reads as follows:

- 3(a) In the definitions of "Local Public Assistance District" and "Supervisor of Social Welfare", delete the word "the" in the first place where it occurs and substitute in each place, the word "a".

Question put and agreed to.

Clause 3, as amended, ordered to stand part of the Bill.

6.15 p.m.

Clause 4.

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

Mrs. Persad-Bissessar: Mr. Chairman, I beg to move that clause 4 be amended by adding the following subsection (3) to section 4 of the Act:

- "(3) Notwithstanding any written law to the contrary, any person who immediately before the commencement of the Old Age Pensions (Amendment), 1996—

- (a) was in the opinion of a Local Board possessed of eyesight so defective that he was incapable of performing any work for which eyesight is essential;
 - (b) had attained the age of forty-five years but had not attained the age of sixty-five years; and
 - (c) was being paid a pension, may continue to receive such pension."
- save and except for "b" should read in line 1 "forty" and not "forty-five".

It is a savings clause. What I am concerned with—and I am now checking with the hon. Minister—is whether there is a provision to prevent them from claiming under both now. It is at age 40, in the old legislation, that one could receive that visual disability grant.

Mr. Imbert: Mr. Chairman, this proposed amendment reads:

"(3) Notwithstanding any written law to the..."

So the point made is that someone could be in receipt of old age pension and also in receipt of disability assistance at the same time.

Mrs. Persad-Bissessar: Your query is whether they can now access both?

Mr. Imbert: I would think so.

Mrs. Persad-Bissessar: What would happen is that if a person is receiving a pension and the new law comes into place, it means that they would stop getting the pension—that is these people with visual disability—and have to apply under the new legislation to get disability benefits. I have a little difficulty with it myself, but we are discussing it. Administratively, there is a discretion in the ministry to prevent a double grant.

Mr. Valley: Mr. Chairman, what about "notwithstanding any written law to the contrary other than the public assistance, you could put a proviso that is going to avoid the event [*Interruption*] Yes, at the end of it. Just say, "provided however that the claimant cannot receive a benefit under this Act as well as under the Public Assistance Act".

Mr. Maharaj: Mr. Chairman, when the Bill was drafted this was not there and this was put in as a result of representation. Looking at it now, I am wondering whether we really need it. Putting this in is just going to complicate matters. So it may be that the best thing to do is just to—

Mr. Valley: I hear you, but the Minister has a point. Knowing the bureaucracy, one then has to reapply. What you may want to say is that such a person would now automatically qualify for benefits under this legislation, under the Public Assistance Bill; "notwithstanding any law to any person who was being paid a pension—

Mrs. Persad-Bissessar: The suggestion you just made is that we can insert at the end of it "provided that"?

Mr. Valley: That is one option.

Mrs. Persad-Bissessar: "...no claim is made under the Public Assistance..."

Mr. Valley: Right; "may continue to receive such pension "

Mrs. Persad-Bissessar: So, may I suggest then, Mr. Chairman, that what we do is at the end of the proposed clause 4, on page 2, as amended, that we put "was being paid a pension would continue to receive such pension provided that the person is not in receipt of disability assistance under the provisions of the..."

Mr. Valley: "...any benefits under the Public Assistance Act."

Mrs. Persad-Bissessar: I agree with you; "...of any benefits under the Public Assistance Act, Chap. 32:03".

Mr. Maharaj: Mr. Chairman, in spite of that, I have come up with another solution to the problem. If you look at the amended clause 4, just as it is, and you go to the back, it continues:

"(c) was being paid a pension, may continue to receive such pension..."

but that person shall be ineligible to receive public assistance payments.

Mrs. Persad-Bissessar: Apparently the Chief Parliamentary Counsel has advised that we have stopped using "provided" so we have to use "save and except that" instead of "provided that".

Mr. Imbert: Just for the benefit of others, which would be greater? Suppose a person is in receipt of a pension which would be less than what he would be entitled to under the disability assistance, is that fair? Because you are making them eligible now. Suppose a person is receiving a pension which is less than—

Mrs. Persad-Bissessar: At the moment they are both the same, but one does not know. But then again, can a person terminate one and seek another one?

Mr. Imbert: I think the best thing would be to delete the clause.

6.25 p.m.

Mr. R. L. Maharaj: "...as may continue to receive such a pension, that such person shall be ineligible to receive any benefit under the Public Assistance Act."

Mr. Imbert: Receive disability assistance rather than old age pensions. Does this allow him to do that? You are saying that he is ineligible.

Mr. Valley: Your amendment would not do that. The former amendment gave him the choice because it said, "provided that he is not in receipt". If that one is greater he would apply for the other one. You are saying that he must take this. No problem. That is a small point.

Question, on amendment, [Mrs. Persad-Bissessar] put and agreed to.

Mr. Imbert: Mr. Chairman, I propose that the proposed section 4(1)(b) be amended by inserting the following words at the end thereof:

"or must have been ordinarily resident in Trinidad and Tobago for an aggregate period of sixty years".

The purpose of this amendment is to deal with a suggestion made by the Member for Arouca North that a person may be about 68 years old, lived in Trinidad and Tobago for 60 years or more, but being out of the country for more than five years he would be disqualified from receiving a pension. The intention here is that either one has been ordinarily resident for a period of 20 years immediately preceding the claim, or one has been resident in Trinidad and Tobago for 60 years. There is an option. The person has been here for 60 years and out for 10 years, but could still qualify for pension.

Mr. Chairman: Is there any comment with respect to that?

Mrs. Persad-Bissessar: There is nothing wrong with it legally. Legally we have no difficulty in terms of policy. Would you explain?

Mr. Imbert: The point I am making is that there could be a person 70 years old who ordinarily should be entitled to old age pension; had been living in Trinidad and Tobago for 64 years, but might have been out of the country for six years. Such a person could be denied pension.

Mrs. Persad-Bissessar: The words "ordinarily resident" is different from just being out of the country.

Mr. Imbert: I agree, but there may be a person who might have been out for six years and only ordinarily resident in Trinidad and Tobago for about 19 years preceding application. This is to take care of the one or two persons.

Mrs. Persad-Bissessar: We have no difficulty with the amendment proposed.

Mr. Imbert: At last, you listen.

Question, on amendment, [Mr. Imbert] put and agreed to.

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

Clauses 5 and 6 ordered to stand part of the Bill.

Clause 7.

Question proposed, That clause 7 stand part of the Bill.

Mrs. Persad-Bissessar: I propose that clause 7 be amended as follows:

(a) in paragraph (d) delete the words “and the forms to be used for”;

(b) insert after paragraph (g) the following paragraph:

“(h) prescribing the procedure for verifying that a pensioner is alive”.

Question put and agreed to.

Clause 7, as amended, ordered to stand part of the Bill.

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

House resumed.

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

ADJOURNMENT

The Minister of Legal Affairs (Hon. Kamla Persad-Bissessar): Mr. Speaker, I beg to move that this House do now adjourn to Friday, July 19, 1996 at 1.30 p.m.

May I advise that on that day, the House will consider the Land Surveyors Bill, the Trade Marks (Amdt.) Bill, and, if time permits, the Motor Vehicles Insurance (Third Party Risks) (Amdt.) Bill.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 6.35 p.m.