

*Leave of Absence*

*Friday, July 11, 1997*

**HOUSE OF REPRESENTATIVES**

*Friday, July 11, 1997*

The House met at 1.30 p.m.

**PRAYERS**

[MR. SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. Speaker:** Hon. Members, I wish to advise that I have received communication from the Member for San Fernando West who will be out of the jurisdiction today until July 18, 1997 and has asked to be excused from attending sittings of the House. This leave is granted.

**CIPRIANI LABOUR COLLEGE (AMDT.) BILL**

Bill to amend the Cipriani Labour College Act, Chap. 39:51, brought from the Senate [*The Minister of Labour and Co-operatives*]; read the first time.

**POUNDS (AMDT.) BILL**

Bill to amend the Pounds Act, Chap. 67:03, brought from the Senate [*The Minister of Agriculture, Land and Marine Resources*]; read the first time.

**PAPERS LAID**

1. Report of the Auditor General on the accounts of the National Institute of Higher Education (Research, Science and Technology) for the year ended December 31, 1992. [*The Attorney General (Hon. Ramesh Lawrence Maharaj)*]
2. Report of the Auditor General on the accounts of the National Institute of Higher Education (Research, Science and Technology) for the year ended December 31, 1993. [*Hon. R. L. Maharaj*]
3. Fortieth Report of the Salaries Review Commission of the Republic of Trinidad and Tobago. [*Hon. R. L. Maharaj*]
4. Forty-second Report of the Salaries Review Commission of the Republic of Trinidad and Tobago. [*Hon. R. L. Maharaj*]
5. Report of the Law Commission for the period January 1995—December 1996. [*Hon. R. L. Maharaj*]

*Papers 1 and 2 to be referred to the Public Accounts Committee.*

**ORAL ANSWERS TO QUESTIONS**

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, may I say to the honourable House that the Government would be prepared to answer Questions Nos. 42 and 57 today and would seek leave of the House to defer Questions Nos. 55 and 56 for two weeks.

**Mr. Kenneth Valley (Diego Martin Central):** Mr. Speaker, we are asking that Question No. 57 be also deferred for two weeks, since the Member is out of the country taking care of other business.

**Northern Construction Limited  
(Award of Contracts)**

**42. Mr. Patrick Manning (San Fernando East)** asked the Minister of Finance:

- (a) Would the Minister indicate whether any contracts involving state expenditure have been awarded by any Ministry, government department, state enterprise or any other state agency to Northern Construction Limited?
- (b) If the answer is in the affirmative, would the Minister indicate the work involved in each contract and the value of each contract?

**The Minister of Finance and Minister of Tourism (Sen. The Hon. Brian Kuei Tung):** Mr. Speaker, I wish to indicate that the answer to part (a) is yes. With respect to part (b), I wish to inform this honourable House that according to the records of the Registrar of Companies, Northern Construction Limited was incorporated as a company in 1980. You will fully appreciate that it is a lengthy, time-consuming exercise to have all ministries, Government departments, state enterprises or state agencies research information on contracts awarded to this company going back to the year 1980, a period of 17 years.

Mr. Speaker, despite this, I have been able to obtain responses from most ministries and departments, state enterprises and state agencies of Government. However, a few of them were still checking their records going back to 1980, but based on the information that has been provided to me to date, the work involved and the value of each contract are as follows:

In 1981, a contract for the construction of a new silver bridge and connecting road relating to the Caroni Racing Complex was awarded to Northern Construction Limited at a cost of \$36,900,000. This contract was later terminated after an expenditure of \$3,700,000.

In 1982, a contract for the improvement of roads and drainage system of the B.P. Palo Seco Coora Road Food Crop Project was awarded to Northern Construction Limited at a cost of \$2,379,321.

In 1983, a contract for Powder Magazine Apartments was awarded to Northern Construction Limited at a cost of \$400,000.

In 1987, a contract for drainage works, construction of a concrete box culvert and rigid surfacing of yards 1, 2 and 3 at Point Lisas was awarded to Northern Construction Limited at a final cost of \$7,600,000.

**1.40 p.m.**

In 1988, a contract for river improvement works Phase II, Caroni improvement works, Uriah Butler Highway to Guayabal River, was awarded to Northern Construction Limited \$1,820,268.10.

In 1989, a contract for the construction of five primary schools in Port of Spain, La Horqueta, El Carmen, Valencia and Maloney was awarded to Northern Construction Limited at a cost of \$11,500,000.

In 1990, two contracts were awarded to Northern Construction Limited. One, a contract for the construction of the Picton Primary School at a cost of \$1,500,000 and, two, a contract for the construction of the Plum Mitán Presbyterian School at a cost of \$1,497,107.99 VAT inclusive.

In 1991, a contract for the renovation of Rousillac and Tulsa Trace Seven Days Primary School was awarded to Northern Construction Limited at a cost of \$800,000.

In 1992, a contract for the construction of a welfare building at Point Lisas was awarded to Northern Construction Limited at a cost of \$210,000.

In 1993, five contracts were awarded to Northern Construction Limited. Firstly, a contract for the construction of a settling pond and drains at Trinidad Cement Limited at a cost of \$350,000; secondly, a contract for the construction of stables and a wall at the Santa Rosa Race Track at a cost of \$776,667; thirdly, a contract for the construction of an outer rail to the main track at the Santa Rosa Race Track, Arima, at a cost of \$231,341; fourthly, a contract for the construction of rural access roads and four bridges, B1/6, B2/6, B1/14 on the Mayaro Guayaguayare Road and B1/40 on the Naparima/Mayaro Road at a cost of \$18,687,401.09; and fifthly, a contract for the construction of a third floor at the Trinidad and Tobago Electricity Commission's (TTEC), Port of Spain head office, at a cost of \$1,000,000.

In 1995, three contracts were awarded to Northern Construction Limited. Firstly, a contract to provide infrastructure development for housing at Old Government Farm Phase II, at Signal Hill, Tobago, at a cost of \$1,425,453.75, VAT exclusive; secondly a contract for the development of the Queen's Park Savannah including renovations to the Grand Stand, concourse and paddock and extensions to the restaurant, toilet and car-park area, at a cost of \$1,997,599, interest and VAT inclusive; and thirdly a contract for the construction of an ultrasound room at the Scarborough Hospital X-ray building, at a cost of \$730,872, VAT exclusive.

In 1996, five contracts were awarded to Northern Construction Limited. A contract for the construction/refurbishment of basketball courts in Sangre Grande, Boys Lane and Maloney was awarded to Northern Construction Limited at a cost of \$349,630; secondly, a contract for the construction of the Black Rock Regional Complex at a cost of \$1,380,000 VAT inclusive; thirdly, a contract for the construction of an annex to the Black Rock Regional Complex at a cost of \$124,000; fourthly, a contract for the paving of road works to the Plipdeco port, paving of the port and drain works, at a final cost of \$3,100,000 VAT inclusive; and a contract for the construction of the Barataria/El Socorro Police Station at a cost of \$4,261,247.95.

In 1997, two contracts were awarded to Northern Construction Limited to undertake construction Package No. 6, general building, for the new terminal development project at Piarco International Airport, to the value of \$206,875,000, VAT exclusive. This contract has since been suspended by the Deyalsingh committee. A contract for the rehabilitation of four bridges on the Southern Main Road at a cost of \$6,728,141.10 plus VAT of \$1,900,221.17 was also awarded.

Mr. Speaker, you would understand that we are providing this information but are unable to ascertain whether this is an exhaustive or complete list.

Thank you.

*The following questions stood on the Order Paper in the name of Dr. Keith Rowley (Diego Martin West):*

**Caroni (1975) Limited  
(Financial Assistance)**

- 55** (a) Could the Minister of Finance indicate whether Caroni (1975) Ltd. is seeking further financial assistance from the Government of Trinidad and Tobago, outside of the allocation of the 1997 budget provisions?

- (b) If the answer is in the affirmative, could the Minister indicate:
- (i) the respective amounts requested by Caroni Limited.
  - (ii) whether any advances have been made in consideration of these requests and in what amounts and when?

#### **Agricultural Sector Loan**

- 56.** (a) Is the Minister of Finance aware that one of the conditionalities of the \$75.0 US million Agricultural Sector Loan is cost reduction in the operations of Caroni (1975) Ltd.?
- (b) Could the Minister of Finance advise whether or not these conditionalities are being effected in a timely manner according to the loan schedule?

#### **Student Revolving Loan**

- 57.** With reference to the student revolving loan programme of the Government of Trinidad and Tobago, could the Minister of Finance provide a list, in alphabetical order, of all recipients who are in arrears, the dates of each respective loan and the extent of their arrears as at June 01, 1997?

*Questions, by leave, deferred.*

#### **CANE-FARMERS (INC'N) (AMDT) BILL**

Bill to amend the Cane-Farmers Incorporation and Cess Ordinance, 1961. [*The Attorney General*]; read the first time.

#### **PUBLIC OFFICIALS (EXTENSION OF SERVICE) BILL**

Bill to provide for the extension of the service of certain officials. [*The Attorney General*]; read the first time.

Motion made, that the next stage of the Bill be taken on Tuesday July 15, at 1.30 p.m. [*Hon. R. L. Maharaj*]

*Question put and agreed to.*

#### **ARRANGEMENT OF BUSINESS**

**Hon. Ramesh L. Maharaj:** I beg to move that the House proceeds as follows: Motions Nos. 1, 2, 3 and 4, under "Government Business", and then under "Bills Second Reading", Bill No.1, continuation of the debate on the Community Service Orders Bill.

*Agreed to.*

**ELECTIONS AND BOUNDARIES COMMISSION**

**Paper Laid**

**Mr. Speaker:** Hon. Members, before we proceed, I wish to go back to announcements and indicate that I have received communication from the Elections and Boundaries Commission made under section 161(1) of the Representation of the People Act, Chap. 2:01, and that this has, in fact, been laid on the table.

**PRIVILEGES COMMITTEE (SPEAKER'S RULING)**

**Mr. Speaker:** I also wish to advise hon. Members, that on the last date on which we sat, I had promised to give a ruling on an application made by the Member for Diego Martin Central, that something be referred to the Privileges Committee. I have gone through in detail the case that he sought to make out. I am satisfied that a *prima facie* case has not been made out for reference of that matter to the Privileges Committee. I so advise.

**1.50 p.m.**

**LIQUOR LICENCES (AMDT.) BILL**

**Senate Amendments**

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

That the Senate amendments to the Liquor Licences (Amdt.) Bill, 1997 listed in Appendix A be now considered.

*Question proposed.*

*Question put and agreed to.*

*Clause 2*

*Senate amendment read as follows:*

- |   |    |  |
|---|----|--|
| 2 | A. | In clause 2 (a) (e) add immediately after the word "21A", the words "and 21C". |
|---|----|--|

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

*Question proposed.*

*Question put and agreed to.*

*Clause 3.**Senate amendment read as follows:*

- A. Renumber section 21C as 21D and insert a new 21C as follows:

“Suspension or revocation of licence on ground of causing a public annoyance

21C (1) A Licensing Committee may, on complaint made in writing by an aggrieved person, suspend or revoke a licence, if it is satisfied by proof on oath before it that the conduct of any trade or business on licensed premises to which this Act applies has caused annoyance to persons in the vicinity of that trade or business by virtue of excessive noise emanating from electronic or other devices.

- (2) Where a complaint has been made against a licensee under subsection (1), the Chairman of the Committee shall summon the licensee to appear before the Committee on the date set for the hearing of the complaint to respond to the allegations made against him and the licensee may either represent himself or be represented by an attorney-at-law.”

- B. In section 21D as renumbered-
- (i) in subsection (1), insert after the word “21A”, the words “or section 21C”;
  - (ii) in subsection (3), delete the words “and 21B(1)” and substitute the words “, 21B(1) and 21C”.

**Mr. Maharaj:** Mr. Speaker, when the Bill went to the Senate the Government accepted this proposal from the Independent Senators, moved by Sen. Martin Daly, to the effect that a licence could be suspended/revoked in the circumstances mentioned. In this context the Government has brought this amendment here, today.

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

*Question proposed.*

*Question put and agreed to.*

**THEATRES AND DANCE HALLS (AMDT.) BILL**  
**Senate Amendments**

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

That the Senate amendments to the Theatres and Dance Halls (Amdt.) Bill, 1997 listed in Appendix B be now considered.

*Question proposed.*

*Question put and agreed to.*

*Clause 2*

*Senate amendment read as follows:*

- A. Renumber section 4C as 4D and insert a new 4C as follows:

<p>“Cancellation of licences on grounds of causing a public annoyance</p>	<p>4C (1) A Licensing Authority may,</p>	<p>on complaint made in writing by an aggrieved person, suspend or cancel a licence, if it is satisfied by proof on oath before it that the conduct of any trade or business on premises to which this Act applies has caused annoyance to persons in the vicinity of that trade or business by virtue of excessive noise emanating from electronic or other devices.”.</p>
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(2) Where a complaint has been made against a licensee under subsection (1), the Licensing Authority shall summon the licensee to appear before it on the date set for the hearing of the complaint to respond to the allegations made against him and the licensee may either represent himself or be represented by an attorney-at-law.”.

B. In section 4D as renumbered-

- (i) in subsection (1), insert after the word “4A”, the words “or section 4C”;
- (ii) in subsection (3), delete the words “and 4B(1)” and substitute the words “; 4B(1) and 4C”.

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

*Question proposed.*

*Question put and agreed to.*

**REGISTRATION OF CLUBS (AMDT.) BILL**  
**Senate Amendments**

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

That the Senate amendments to the Registration of Clubs (Amdt.) Bill, 1997 listed in Appendix C be now considered.

*Question proposed.*

*Question put and agreed to.*

*Clause 2*

*Senate amendment read as follows:*

*Registration of Clubs (Amdt.) Bill*  
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A. Renumber section 14C as 14D and insert a new 14C as follows:

“Striking club off Register on ground of causing a public annoyance

14C (1) A Licensing Committee may, on complaint made in writing by an aggrieved person, make an order directing the club to be struck off the Register if it satisfied by proof of oath before it that the conduct of any trade or business on premises to which this Act applies has caused annoyance to persons in the vicinity of that trade or business by virtue of excessive noise emanating from electronic or other devices.

(2) Where a complaint has been made against a licensee under subsection (1), the Chairman of the Committee shall summon the licensee to appear before the Committee on the date set for the hearing of the complaint to respond to the allegations made against him and the licensee may either represent himself or be represented by an attorney-at-law.”.

B. In section 14D as renumbered-

(i) in subsection (1), insert after the word “14A”, the words “or section 14C”;

(ii) in subsection (3), delete the words “and 14B(1)” and substitute the words “,14B(1) and 14C”.

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

*Question proposed.*

*Question put and agreed to.*

**2.00 p.m.**

**CRIMINAL LAW (AMDT.) BILL  
Senate Amendments**

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

That the Senate amendments to the Criminal Law (Amdt.) Bill listed in Appendix D be now considered.

*Question proposed.*

*Question put and agreed to.*

*Clause 2A(1):*

*Senate amendment read as follows:*

(i) Delete subclause (1) and substitute as follows:

“(1) Where a person embarks upon the commission of an arrestable offence involving violence and someone is killed in the course or furtherance of that offence (or any other arrestable offence involving violence), he and all other persons engaged in the course or furtherance of the commission of that arrestable offence (or any other arrestable offence involving violence) are liable to be convicted of murder, even if the killing was done without intent to kill or to cause grievous bodily harm.”

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

*Question proposed.*

*Question put and agreed to.*

*Clause 2A(2):*

*Senate amendment read as follows:*

Add after the words “arrestable offence” the words “involving violence”.

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

*Question proposed.*

*Question put and agreed to.*

**Mr. Speaker:** Hon. Members, the debate on the second reading of the following Bill which was adjourned on Friday, June 13, 1997 will be resumed.

**COMMUNITY SERVICE ORDERS BILL**

[THIRD DAY]

*Order read for resuming adjourned debate on question [June 06, 1997].*

That the Bill be now read a second time.

*Question again proposed.*

**The Minister of Sport and Youth Affairs (Hon. Pamela Nicholson):** Mr. Speaker, hon. Members, I am extremely grateful for the opportunity to continue with my intervention on this very important debate on the Community Service Orders Bill, particularly, since I am at the stage in my discourse which is quite pertinent to the concerns of the hon. Member for Tunapuna.

After listening to the hon. Member two Fridays ago, I am convinced that he was let off the proverbial “hook”, for should he have been carded to speak after my contribution, the goodly gentleman would not have been able to participate in this worthwhile debate. In sum, he would have had no contribution to make. For this hon. Member to insinuate that not much is being done in the area of sport and youth programmes—

“ ...that would develop in our young people the attitude discipline and skills required to become responsible...will integrate citizens of Trinidad and Tobago.”

suggests, Mr. Speaker, that there is some level of apathy on his part to the well-advertised and promoted programmes that I have personally launched in my stewardship as Minister of Sport and Youth Affairs.

The hon. Member for Tunapuna has not provided this honourable House with any creative ideas for youth development. In fact, what he seems to be purporting, is that the Ministry of Sport and Youth Affairs undertakes the very programmes which we are currently implementing and which are indeed providing our young people with a lot of excitement and optimism. [*Desk thumping*]

Mr. Speaker, whether we get philosophical about the definition of crime and its existence since Adam, whether it evolved from the classicist school of thought or the positivist, as my learned friend from Laventille East has theorized, or whether the rationale for the Bill is to reduce the overcrowding of our prisons, I regard as

immaterial to our debate. The issue of crime, as it affects our society, is a scourge which must be obliterated from this land.

Mr. Speaker, for 1996 the youth involvement in crime as a percentage of total criminal activities has been as follows:

	<u>Total</u>	<u>Per cent</u>
Minor crimes	20,307	
Youth involvement	5,604	24.2
Minor offences	22,225	
Youth involvement	4,167	18.75
Serious crimes	18,032	
Youth involvement	7, 934	44

However, clause 3 of the Bill identifies some of the parameters for the operation of the Community Service Orders, in that it does not apply to persons convicted of serious crimes.

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

Moreover, it pertains to those offenders who have been sentenced to imprisonment for a period of 12 months or less. Accordingly, the Community Service Orders Bill, as stated by my colleague, the Minister for Social Development, is concerned with offering alternatives to custody in order to rehabilitate the offenders.

While the Bill focuses on the rehabilitative approach to crime intervention, my Ministry places emphasis on other approaches to reduce the incidence of criminal activity, namely, the preventative and the developmental approaches. The preventative approach relates to services which analyze social problems, predicts their emergence and takes measures to reduce their occurrence. The creative use of leisure, self-development, education in family life skills, the basics of parenting and child development and family planning, all constitute the essence of the preventative approach.

The developmental approach is geared towards the total development of persons, institutional supports and resources for healthy and worthwhile living. Programmes under this approach include self-employment and recreational programmes.

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I must emphasize that the preventative and developmental approaches are no quick-fix solution, but, indeed, take time, hard work, dedication and endurance. This is the commitment that my Ministry makes to the young people of Trinidad and Tobago.

For the benefit of the Members for St. Ann's East, Tunapuna and this honourable House, I shall now provide an insight into some of the programmes in which the Ministry of Sport and Youth Affairs is currently engaged for the welfare of our young people to give them a second and third chance in life, using sport to keep them away from crime.

We have a national sport coaching and training programme—we call it STEP. The name is really Sport Training Enhancement Programme. It is essentially a talent identification programme targeting the 8—14-year olds in districts throughout Trinidad and Tobago.

It promotes the early development of general motor activity, that is, head, eye co-ordination and social skills. In this programme, there were 8,000 participants in 1996 and 1,759 persons in the first quarter of 1997. As we debate this Bill, programmes are taking place at 43 venues throughout Trinidad and Tobago and have attracted over 4,000 young people in this quarter. I believe if the Members for St. Ann's East and Tunapuna are concerned with what is happening in their constituencies, they will be a part of this programme.

Secondly, we have a physical recreation and sport leadership course. This course introduces participants to issues related to working with and planning sporting activities for children. Young people from all parts of Trinidad and Tobago can participate in this one.

Thirdly, there is district coaching. The division offers coaching in a variety of sporting disciplines through the country. Sessions are conducted by trained, full or part-time coaches and are held at centralized areas once weekly for two hours at a time. Emphasis in this programme is placed on skill development and personal enhancement. I only hope that the Member for St. Ann's East is listening very closely, because he argued that the most important aspect we should be dealing with is the preventative aspect, so I am just outlining what we are doing in the Ministry in respect of that area.

Fourthly, rural district coaching caravan. This is mainly conducted on weekends and seeks to promote training for athletes and sport administrators in our rural districts. The caravans are conducted on a partnership approach with the

district providing accommodation and the ministry conducting the coaching and sport education sessions and any other related technical assistance that may be required.

Fifthly, we have sport education programmes which provide information on:

- (i) club development;
- (ii) fund-raising;
- (iii) conducting meetings;
- (iv) organization of competitions, family days and sport days.

Mr. Speaker, I am just going through this area, as I said earlier, in support of the Community Service Orders Bill, to deal with the area that the Members for St. Ann's East and Tunapuna questioned, that is the preventative aspect. I thought that it is critical for the House and the country to know—well, the country knows about it because almost all the young people in Trinidad and Tobago just love the Ministry of Sport and Youth Affairs.

We have swimming programmes. Swimming is being developed throughout Trinidad and Tobago. Swimming pools are strategically located throughout the country and a number of programmes are being implemented from a school and community perspective. We also have competitive and recreational swimming where, throughout the country, the young people in the community could compete against each other. For the first time, Trinidad and Tobago entered into the Caricom programme, a community competition for this area.

Another important area which we have dealt with is assistance to national sporting organizations which is an area that we met in the ministry but we have developed in terms of the amount of funding which our Government has been giving to the country. We have increased it to \$1 million, and to date, the Ministry has contributed approximately \$400,000 to sporting organizations when they take part in different programmes.

Then we have sport festivals. The programme aims at mobilizing the nation's youths into constructive community-oriented sporting activities as a means of promoting community spirit, wholesome and healthy attitudes to living. Sport festivals are being conducted throughout the year at district levels at selected venues throughout the country; then a grand national youth sport festival climaxes the festival programme annually.

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This programme has been showing a progressive increase in participation since its inception. The 1997 sport festival held on May 31 had a phenomenal increase, moving from 1,200 participants in 1996 to 4,500 in 1997, an increase of 375 per cent.

**2.20 p.m.**

It articulates the role that the Ministry is playing, as far as our young people are concerned, in organizing programmes to keep them away from crime in this country. I believe all Members are aware of what the Ministry of Sport and Youth Affairs is doing because we promote our programmes on the radio, television and in the nooks and crannies of this country. If the Member for St. Ann's East does not know about them, probably he does not pay attention to his constituency and is not concerned about returning for another term in office.

Mr. Speaker, the Super Five Community Sport Development Programme is new and was brought into fruition by this Government. It uses sports such as basketball, football, netball, track and field and cricket, as the medium for drawing out and bringing together young people between the ages of 15—19 years with a view to making an impact on their psycho social development. There was an overwhelming response to the pilot project in which 3,000 young persons participated in 1996, and for 1997 the Ministry targets over 6,000 young persons in 96 communities. This programme serves to engage young people in purposeful and constructive use of their time.

The preventative aspect of it is very critical as this relates very strenuously to the debate. It develops a pool of talented young athletes who can become national players and role models in their communities and, at the same time, provide employment opportunities. The programme is conducted by trained coaches and is serviced by professional trainers in management supervision and psychological services. In 1997, we have approximately 150 full-time and part-time coaches for this programme.

Mr. Speaker, I want to make particular reference to the work being done in this area of sociopsychological development in which the key areas of focus are: athletes' personal assistance, peer counselling and sports psychological consultation, which includes the parents of the children. I invite my colleagues the Member for St. Ann's East, particularly, and the Member for Tunapuna to get involved in this programme. If they knew about these programmes, they will not be so bold as to suggest that the approach of this Government "ought to be one of



social programmes”, to quote what one of them said, when really, we have instituted several social programmes in the Ministry. We recognize the importance of the preventative aspect of the developmental process, that is why I decided to rise and give support to the Member for Chaguanas in this debate on the Community Service Orders Bill.

Mr. Speaker, in addition to the programmes I have described, the Ministry is currently engaged in development projects to upgrade and enhance our sporting facilities. This year the Ministry has been given \$17.48 million to develop and refurbish our indoor sports halls and the Hasely Crawford Stadium, and to upgrade and construct turf pitches in selected areas and swimming pools which I know the Member for Arouca South would very strenuously support since her constituency has a beautiful swimming pool which cost almost \$2 million and which we will be opening in the first week of August. So that when we say we are spreading these facilities throughout the country in order that all the rank and file of the country can participate, this is one of the examples I am now giving. I know that she is very excited and happy.

We are on the way with facilities for the constituencies of Princes Town and Siparia. One or two days ago we started action on the National Tennis Centre in Tacarigua—five indoor sports halls; three completed and two on the way. We are very concerned about preventing crime and getting young people involved so we are using sports as the vehicle in that respect.

Mr. Speaker, we are also doing some serious work in the Youth Division of the ministry. Young people are easily attracted to the sport programmes since in most instances they provide an avenue for competition and award, a centre stage for the display of physical skills and a relatively short term to receive tangible benefits. The youth programmes, on the other hand, do not have the same level of attraction. However, I am heartened to inform this honourable House that the Ministry has been able to develop motivational projects for the young people of the country and in almost every instance there was need to repeat the programmes.

There is a District Micro Enterprise Programme for which Government gave the Ministry \$2 million to implement. The project aims at the establishment of at least 70 youth micro enterprises with the provision of a maximum loan of \$10 million per individual or group. To date 35 loans have been given.

There is also a very important micro programme at the ministry—not small business because it seems as though some people do not know the difference between micro and small business—which is to marginalize youths in high risk

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communities. This is at the pilot level and it is a project that I am particularly interested in since it is designed to educate and reform young people in areas where there is high risk incidence of drug abuse, violence and unemployment. Our pilot project is targeted at this time to three areas which are commonly cited in our news report on crime. Those three areas are Gun Hill in Point Fortin, Vegas in Morvant and Datsunville, Enterprise, Chaguanas.

**2.30 p.m.**

The hon. Member for St. Ann's East may not be aware that we have already gone into those three areas and have selected and trained some of the young people in those districts in the techniques of gathering statistical data to determine the problems that their peers encounter. The data is now being collated for analysis with the assistance of the Central Statistical Office (CSO). In this way these young people would become an integral part of the project.

Apart from the information gathering exercise, they are also required to indicate the types of projects they wish to have implemented in their respective communities for their self-development, and further, they are encouraged to formulate a strategy for the development of their community overall.

**Mr. Speaker:** The speaking time of the hon. Member has expired.

*Motion made,* That the hon. Member's speaking time be extended by 30 minutes. [*Hon. Dr. R. Griffith*]

*Question put and agreed to.*

**Hon. P. Nicholson:** Thank you Mr. Speaker, and hon. Members.

This project on the marginalized youth in high risk communities, a self-motivational strategy and the desire to change must come from within. In the past, when the Member for Tunapuna was probably in the ministry, any initiative in this regard was usually handed down by those who may not have been sufficiently sensitized to the needs of the people, their problems and cultural backgrounds which may be largely responsible for the poor success in developing or reforming the community where necessary.

This reminds me of the old saying, "who in the fire feel the heat; those who feel it know it." Recommendations must come from within the community. That is why we chose the young people from the community to do the research and find out the problems in their areas. They must be indigenous in order to impact on the individual. This project is important from both the preventative and rehabilitative

perspectives. When the Member for St. Ann's East says that we are dealing with the rehabilitative, I could tell him very distinctly that we are dealing with both the preventative and rehabilitative aspects.

We have another project for the young people in the country. It is very important to show that we are attacking the problems which confront them so as to prevent them from getting involved in crime. There are opportunities in the tourism and hospitality sector. We have gone into this project with the Tourism Industrial Development Company. On June 11, 12 and 18, we held a number of workshops on the opportunities in the tourism and hospitality sector for youths at the Central Bank Auditorium. We were very pleased with the attendance. Over 500 young persons attended these workshops.

**Mr. Valley:** Mr. Speaker, it is just a simple question. Could the Minister please inform the House how these young persons were chosen for this session, as well as how they were chosen to carry out the survey that she spoke about?

**Hon. P. Nicholson:** Mr. Speaker, we advertised the programme on the workshops on the opportunities in tourism and hospitality and the areas where they could register, on the radio, television and newspapers. They went to those areas and we dealt with all those who registered for the programme. We did it in Tobago and in the south and over 300 young persons came forward. On June 11, 12 and 18 over 500 persons came to Central Bank. For the first two days only 300 persons could have been accommodated and there was a special day for the next 200 persons. In Tobago, 260 young persons came and in the south there were 300 persons. The other area we would address is in central. There were two programmes in the north, one in the south and one in Tobago. There would be one in central in about three weeks.

**Mr. Valley:** Hon. Member, before you continue could you also address the question on the programme with respect to the surveys in the communities? Could you refer to the dates and give us the information as to whether there were advertisements?

**Hon. P. Nicholson:** The youth officers addressed the surveys by going to the young people in the communities. They went into the areas of Gun Hill Point Fortin, Vegas and Datsunville. I can get the information as to how that was addressed and bring it another day for him. I am very pleased with what he has said. I am very concerned that there is total transparency in what we do. That is why we advertised. If 1,000 persons come we try to cope with it.

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I am pleased to say that these workshops are the collaborative efforts of the Ministry of Sport and Youth Affairs and the Tourism and Industrial Development Company. There would be other phases and I would inform all the Members on the other side. It seems as though they do not look at television, listen to the radio and read the newspapers. I would ensure that they are communicated with.

Those other phases are an intensive 10-week training programme which would take place when we have finished in Chaguanas: training in the various areas in which the young people are interested and a community based exercise where participants would investigate the likelihood of tourism projects for their communities. The allocation of funds for the project under the Public Sector Investment Programme is \$500,000.

I want to stress, and I think I have articulated the case very strenuously to the Member for St. Ann's East, that this Government is dealing with the preventative aspect in a very serious way. We recognize that must be taken care of and if it is done, we would not have to build more prisons and magistrates' courts. We are cognizant of that fact and for that reason we are addressing the socio economic preventative aspect in a serious way.

**2.40 p.m.**

Mr. Speaker, this year the ministry is being given serious attention by the Government. The maximum amount of money the ministry ever got was \$10.6 million and to date, it has been given \$22.5 million in 1997, over one hundred per cent increase, because it is recognized that the ministry is working. We must give the Member for Oropouche, who is the Minister of Planning and Development, some recognition for responding in a very favourable way. I believe he is well-equipped in that area, that is why he is able to support us. *[Interruption]* I must also congratulate the Government in general for recognizing that aspect of development of our young people is very critical and if we do not deal with that, the whole leadership of tomorrow would not be addressed and we will not be able to deal with crime in a serious way.

As I said earlier, the Minister of Social Development, the Minister of National Security, the Minister of Education, function as a team. *[Interruption]* Of course, we will be inviting the Minister for Tobago Affairs soon so that the Tobago aspect will be dealt with there. The Minister of Health—we all function as a team analysing that problem, and that is why we can speak here today.

Mr. Speaker, there are a number of other programmes, and I wish to state that those which my Government met before coming into office were continued. We enhanced a number of them because they needed improvement as indicated in the *Public Sector Investment Programme 1997*. Resources totalling \$71.65 million, or four per cent of the total PSIP has been allocated for improvements in social recreational and community facilities and services.

Grant funds totalling \$7.4 million from the structural adjustment facility provided by the European Economic Community are being used to continue implementation of two programmes: the national drug abuse and demand reduction programmes for which an allocation of \$3.43 million was given, and I believe that the Minister of Social Development will highlight and develop that area. There was also an allocation of \$3 million which will be used to furnish 12 community centres—I am relating those areas because the Minister who is responsible for that area functions in the Senate—constructed under the structural adjustment facility.

Additionally, construction will commence on centres at Warrenville and Fyzabad and refurbishing works will be taking place on seven centres in the north and there are a number of other areas there. The Minister of Social Development will deal with the Remand Home, the Halfway House and other areas.

The implementation of these projects will be undertaken by NIPDEC at an estimated cost of \$6.2 million. There is a wide range of posts by the ministry which will embrace the establishment of a walk-in assessment centre for vagrants, and a drop-in centre for children in Port of Spain. All of us who function in that team are very happy to support the Minister of Social Development for bringing this rehabilitative bill, the Community Service Orders Bill to the Parliament.

In addition, there will be re-training for displaced workers and so forth. I do not have to tell the Member for La Brea anything about that because he has seen the kind of work which the Minister of Works and Transport is doing. *[Cross talk]* We know that you all are embarrassed with the kind of development that is taking place in the country.

**Hon Member:** Yes, we are embarrassed.

**Mr. Valley:** I can assure you that we are embarrassed, but are you not?

**Hon. P. Nicholson:** Mr. Speaker, I am very pleased with the level of work that the Minister of Works and Transport, and the Minister of Sport and Youth Affairs have done. I have never seen that kind of action in this country. These are a few of the programmes which my Government has instituted to treat with social needs.

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The documents to which I made reference are public ones and are available to all and, as I told Members on the other side, when we are continuing with these projects I will make sure there will be communication.

With regard to my Government's action against crime, I wish to inform this honourable House that the Ministries of National Security; Social Development; Community Development; Culture and Women's Affairs; Education and my own ministry are all actively involved in the national action plan against crime.

The work of the various subcommittees is going on apace in an effort to find solutions for reducing the level of crime in our country. It is for these reasons, and other initiatives by my colleagues, that Trinidad and Tobago can now boast of being least poor among the developing nations worldwide. It is against the background of the work being undertaken in my ministry and the other socially focussed ministries for which the intention is to provide opportunities for young persons and to alleviate the problems of crime and poverty, that I give my full support to this Bill. As I understood it, the purpose is to allow for the imposition of community service orders, or combination orders of community service and probation against convicted offenders instead of custodial sentences where it is appropriate to do so.

I believe that this Bill can give a second or a third chance to young persons who, for the first time, have gotten on the wrong road. Notwithstanding the amendments that Members on the opposite side have proposed—because the Member for Arouca South proposed many amendments—the thrust of this Bill is laudable which no Member on the other side can refute.

**2.50 p.m.**

Mr. Speaker, I am sure that my programmes in the Ministry of Sport and Youth Affairs are aimed at curtailing anti-social and deviant behaviour among our young population and, simultaneously, the community service programmes as envisaged by this Bill for offenders, both preventative and rehabilitative measures, could well be the chemotherapy for the cancer of crime. [*Desk thumping*]

I thank you, Mr. Speaker.

**Mr. Hedwige Bereaux** (*La Brea*): Mr. Speaker, I rise to join this debate on a bill to make provision for the making of community service orders in respect of convicted persons; to make provision for the making of combination orders; and for matters incidental thereto.

Mr. Speaker, before I get into the kernel of my contribution, I want to make a few brief comments on the contribution of the hon. Member for Tobago West. When I was a boy I did not take part in the beating of Good Friday “Bobolees” so I am not going to mention the contribution of the Member for Tobago East.

There are some people, who, if you show them a bouquet they will call it a wreath. Unfortunately, it appears to me that the Member for Tobago West did not realize the assistance that the Member for Tunapuna was trying to render her, having regard to the fact he noticed that the hon. Attorney General and Member for Couva South went across and told her she should not participate in this debate. The Member for Tunapuna, recognizing that this is such an important debate in respect of the youth of the country, got up and made it quite clear to her in his speech that he expected her to make a contribution. I see that she has contributed.

However, Mr. Speaker, it would appear to me that the recent battering which the people of Tobago gave her, in respect of the by-election in Tobago East, has gotten her a bit off track in respect of her dealing with matters. In fact, as we would say in colloquialism, it has her “tootoolbay” [*Laughter*] so she went ahead and sought in the beginning of her contribution—I want to read it. She said:

“We had a representative in this honourable House who remembers that institution, to which he belongs, functioned from 1956 right down until recently in this country and yet he is coming to blame other representatives for the decay.”

In that statement and in several areas of her contribution she tried to blame the People’s National Movement for all that is wrong in the country, forgetting—I want to deal with the constituency which she represents—that for 20 years the party she and her erstwhile colleagues represented, represented Tobago in general. For 16 years they were responsible for health education in Tobago. What have they done about health education during their tenure?

I speak with no particular joy at having to say it here, but the truth must be told that they have so abdicated their responsibilities in Tobago with respect to health education, that they did not seek to educate the young males properly in terms of sexually transmitted diseases. All of us are now facing an epidemic of, you know what!

More importantly, during their watch in 1990 when they brought the Foreign Investments Act they did not, again, educate their young males properly and now one finds that the foreign women are going to Tobago, marrying the men and using it as a means to purchase property.

**Miss Nicholson:** Bring your evidence.

**Mr. H. Bereaux:** In due course, Mr. Speaker. I just thought I would make that point. When I heard her speak about how good a relationship she had, and how well she worked with the Minister of Health, I wonder what he has been able to do to contain what we are seeing and hearing reported. Mr. Speaker, this is reported in the newspapers and elsewhere.

What is he doing? Of course, I do not expect him to do anything because we have a crisis in the health sector in the San Fernando General Hospital. Yesterday, I think, there were no doctors to attend to patients and he did nothing. He did not say a word. Tell us what is happening! I know he could have spoken at one time but now he is dumb—Caligula's mule, we should call him.

These are some of the points I am making. The Member made so bold to talk about brilliant footballer, Dwight Yorke—yes, lovely, a gentleman of whom we can all be proud—Brian Lara, Ato Boldon. But I am saying, having regard to the dereliction of their duty, how many of those can we now expect from a race of people who was so prominent in Trinidad and Tobago in terms of their criminal strength?

I want to get down to deal, in particular, with this Bill; to make provision for the making of community service orders. One notices that although the Minister of National Security has general responsibility for prisons and so forth, yet, this Bill—and I would say the hon. Attorney General has responsibility for court matters, sentencing and those areas—was brought by the Minister of Social Development. Mr. Speaker, to the uninitiated one may say this is just another instance of ministerial poaching as has become common with this Government. In fact, for once there is sense in their nonsense. There is proper direction, I believe, in respect of having the Minister of Social Development bring this Bill. I think there is some order in the chaos which we are accustomed to see coming from Members on that side.

The very nature of what appears to be a contradiction in this Bill does, in fact, reflect the uneven and sometimes contradictory function of the typical criminal justice system and its somewhat ambivalent uncertain reaction to crime. There are many views on the treatment of criminals and delinquents. The dominant conflict of views is between those who advocate severe punishment in the belief that it will prevent the offender from repeating his crimes and act as a deterrent to others, and those who, at the other end of the spectrum, emphasize the futility of punishment and the evil effects of prison life on the offender.



**3.00 p.m.**

They look at the offender or the criminal as a victim of social and psychological forces outside his control. I am certain, as we have heard, that those persons would receive the full wrath of the acerbic tongue of the Member for Tobago East. To some extent, I am not in total disagreement with him on this occasion. However, the path taken by most nations is somewhere in between, and this Bill, today, which we on this side support with the necessary amendments, seeks to do just that, travel the middle path.

Whereas certain serious crimes which display, what we call, moral turpitude such as murder, manslaughter, treason, sedition, piracy, aggravated assault, arson, sexual offences, drug trafficking and so forth, are intended not to permit the alternative of community service orders; in respect of the other crimes for which an offender is likely to be sentenced to a term of imprisonment, there would be the possibility of community service orders. I have noted a certain lacuna in the legislation; and that is, nowhere in the legislation is a community service order defined. Section 3(1) of the Bill states:

“Where a person of or over sixteen years of age is convicted of an offence (in this Act referred to as ‘the offender’) and is to be sentenced for a period of imprisonment of twelve months or less, including a sentence of imprisonment imposed in default of payment of a fine, the Court by or before which he is to be sentenced may pass the sentence but may order the operation of the whole or part of the sentence to be suspended for a period not exceeding two years and may then make a community service order requiring him to perform unpaid work in accordance with the provisions of this Act.”

One looks in the hope that one could find out what kind of work would such a person be required to perform.

It is true that the hon. Minister of Social Development, in his contribution, gave examples of such work, to include cleaning and maintaining local recreational facilities—I know he is a very well-known cricketer so I could see him talking about that—or providing manual labour for a home for the elderly. He also indicated that probation committees would be set up in various counties and one of the functions of these probation committees would be the compilation of lists of types of community service available in each district.

We must remember that notwithstanding the corrective and the humanitarian nature of the penalty, a community service order is essentially a sentence of a

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competent court. One of the hallmarks of fear on appropriate sentencing is that there must be some relationship between the offence and the sentence and also a degree of uniformity in sentencing of persons for offences of the same gravity.

The provisions, as outlined by the Minister, leave themselves open to such vagaries of interpretation and discretion, that we may return to a situation as it existed in early English legal history where it was said that equity and equitable remedies were as long as a chancellor's foot. So we may find ourselves, unless we are careful by laying down proper guidelines in this Bill, where we may reach the stage of saying that a community service order is as long as a magistrate's foot or the foot of a judge. I think it is untidy for us to pass an enactment and allow that to happen.

[MR. DEPUTY SPEAKER *in the Chair*]

Section 27 of the Act says:

“The Minister shall subject to the affirmative resolution of Parliament make regulations for the performance of work under a community service order, for arrangements for a person to perform such work, and for carrying into effect the provisions of this Act.”

There are a number of things which are specified although they are not limited. I want to point out to the Minister that there is a need to determine some guidelines for the populace, and it must not be solely left to the discretion or the vagaries of the various persons on those probation committees to determine what kind of work would be contained in some of these community service orders.

Most of the speakers in this debate behave in a manner as though these community service orders and the combination orders would be restricted to young people, but I see nowhere in the Bill which says that.

**3.10 p.m.**

Maybe it is time for us to wake up to the fact. I deal a lot with young people and this is the problem they have. We sit here and talk about crimes, and we focus on young people but, Mr. Deputy Speaker, I want to remind Members that this Community Service Orders Bill could also be applied in respect of persons not so young, who have run afoul of the law and who would, under normal circumstances, be convicted of an offence which would carry a sentence of not more than 12 months. It would be open to the magistrate or judge, in that instance, to make an order in respect of community service. We are not only talking about young people now, we are also speaking about persons who are not so young.

As I am on that point, I noted the examples quoted by the Minister to imply that most of the cases involved something like manual labour. I have no objection to manual labour, and I do agree with the fact that good, healthy sweat is about the best way to let people know on which side their bread is buttered. It brings us all down to a common denominator, but there is something we must understand. It is quite likely that a teacher, an international athlete, a singer, a top class calypsonian, or anybody else, is likely to run afoul of the law.

In a situation in which a community service order would be an alternative, what is the advantage to society—unless we are thinking purely in terms of punishment as a revenge—of having a person with a special skill cleaning the recreation facilities? If he has displayed a certain degree of arrogance and one wants to bring him down to line, one can put him in jail and leave him there, because he will surely come to the common denominator. If one really wants that person to make a contribution to society, to show that he put something back into society, let him work for people. One may want to make an order where a teacher, for instance, would be involved in some hours of work with disadvantaged children. One may also want to make an order where the person who is an international athlete may work with young people and give them some of his skills. If it is the case of a great politician who feels he could cuff down a policeman, you might want to let him do something else.

In the situation where persons in high office or in privileged positions get themselves in trouble and it is a first offence—if they are put in prison and a conviction is recorded against them with the punishment for that criminal charge—that criminal record will be one which the legislature did not envisage initially.

Mr. Deputy Speaker, I am hearing some noises, and having regard to things that have happened in this Parliament before, I wondered if somebody could tell me that we might not be the subject of an attack. I am worried about what is happening out there. I want to find out what is going on. It could not be the steelband movement because I see the hon. Minister in charge of that sitting here, oblivious of what is going on.

[MR. SPEAKER *in the Chair*]

As I was saying, we must not only look at this community service order in terms of young people, because there are a number of other persons who are not so young and are likely to get involved in it. Let us look at the reasons for this legislation. As I see it, and as I know it elsewhere, it is usually a situation in which

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there are some persons who, in a fit of anger, find that something has gone wrong and in a case of temporary madness—although they have lived a hitherto exemplary life—they end up doing something totally wrong and run afoul of the law. There is a need to do something as a result.

When the person is convicted, usually the court—having regard to the previous good record of the convicted offender—seeks to avail itself of other measures. We have one of the measures in our law at present. In section 71 of the Summary Courts Ordinance, if a person is charged with an offence and it is a first time conviction, the magistrate decides that no conviction would be recorded against that particular individual, but that is a situation which could only occur once. Moreover, Mr. Speaker, there is probation and there are other methods of doing things.

When we look at the Bill, we must take into consideration that this is not just a Bill for young people. As I said before, a community service order is usually an alternative to a sentence of imprisonment. Let us assume we were to take that to its natural conclusion. If that person were not put on a community service order, that person would be sent to prison for any time under twelve months. If, for instance, another person were to seek to assist that convicted person to evade his prison term, if he is in prison and someone helps him to escape, that is a criminal offence.

**3.20 p.m.**

In respect of this Bill and of community service orders, which are in themselves an alternative to a prison term, it is agreed that whereas—I think it is clauses 13 to 15. Clause 13 states:

"(1) If at any time while a community service order is in force against an offender it appears on information to a magistrate for the magisterial district in which the order was made that the offender has failed to comply with any of the requirements of the order, the magistrate may—

- (a) issue a summons requiring the offender to appear at the place and time specified in the summons; or
- (b) if the information is on oath, issue a warrant for his arrest."

Mr. Speaker, it goes on. Clause 14 specifies the powers of the magistrate and of the High Court respectively, where the offender appears before either court for failure to comply with the requirements of the community service orders. Clause

16 provides where a fine is imposed by a court for failure to comply with the requirements of the community service orders, it shall be deemed to be a fine paid on conviction.

Mr. Speaker, one sees that if there is a breach of the community service order, then the offender is dealt with severely, and properly so. What one does not see is that if somebody, be that person a probation officer or any other person, aids and abets a breach of a community service order which in fact is tantamount to a sentence of an incompetent court, one sees nothing on that. This might appear to be far-fetched but it is not.

Remember, we are talking about community service orders and they can be given to adults of means, to adults in very top and influential positions, to their progeny and to their relatives. It is not inconceivable that such persons will be able to encourage and inveigle the persons who are supervising the performance under the community service orders, thereby escaping punishment. If that appears to be far-fetched, I want to remind Members of this honourable House of what occurred in another jurisdiction where it is said—I think it was Donald Trump's wife—when a community service order was placed upon her she got her staff to perform the work under the order and they dealt with her and her staff.

I am saying there is an area here to which one is not paying attention. One is not paying attention to it simply because one is saying, and is appearing to say, that one is only thinking about young people and about persons in disadvantaged positions, not realizing that this particular provision, when it becomes law, will apply to all and sundry—the rich, the poor alike, and a number of persons. Maybe this mirrors an even more serious distortion in our thinking, in the thinking of the people of this country and particularly those of us who are in positions. Every time one talks about something going wrong one looks in the disadvantaged areas, but, I say, from those disadvantaged areas, very good things come. I will now quote Thomas Grey:

"Full many a gem of purest ray serene  
the vast unfathomed depths of ocean bear.  
Full many a flower is born to blush unseen  
and waste its sweetness in the desert air."

Mr. Speaker, let us not only try to legislate for the poor and the disadvantaged, for those whom we perceive to be miscreants in the society, but let us face the

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facts that big people, big people's children and those who are educated and are expected to be in high positions, also get into trouble. Let us close and fix the law in a manner in which it will deal with all the arrangements, with all those who breach that.

Mr. Speaker, with these few words I want to give my whole-hearted support to this piece of legislation and to say, I believe that with some of the amendments suggested, particularly in respect of attempts in the Schedule and the points I was trying to make earlier, that this would be—I believe—one of the better things which this Government would have done.

I thank you.

**Mr. Colm Imbert** (*Diego Martin East*): Mr. Speaker, I note that the Member for Tobago East is not here and it is unfortunate. I hope he returns to the Chamber shortly, as much of what I have to say deals with the statements he made in this House on this Bill. As my colleague from La Brea has pointed out, we on this side support this Bill. Despite comments made by the Member for Tobago West and the Member for Tobago East, which seemed to imply that we are not in support of this Bill, I wish to let this House know, categorically, that the whole concept of community service is something that the PNM is totally in support of.

Mr. Speaker, as my colleague from St. Ann's East has pointed out, we have to look at the whole question of the cause of crime and what we can do to prevent crime from being committed. I see this Bill as an attempt to deal with one of the root causes of crime, and that is the whole question of what happens to a young offender or a first time offender when he or she enters prison. The Member for Tobago East was at pains to denounce the theory that people are conditioned by their environment and that the cause of crime has nothing to do with poverty and so forth, but has to do with individuals. What the Member for Tobago East attempted to have us believe is that persons who commit crimes are inherently bad and whether they are in an amenable environment or in an environment which causes them hardship, they will still proceed to commit crime. What this Bill seeks to do is to reject that theory.

The whole concept of community service, as the Member for Tobago West has pointed out, is to give someone a second chance. Recently in the United States, there was quite a famous situation where a judge, for years on the bench, gave heavy sentences to persons—young people, first-time offenders—and sentenced them to lengthy periods of confinement. For years he did this because he also held the same view as the Member for Tobago East, that people are inherently bad.

He himself was found to be in breach of the law, sentenced to a term of imprisonment, and on his release he wrote a book where he admitted that he had been totally wrong and that he was now satisfied that many of the people and first-time offenders that he had sent to prison for relatively minor offences, he should not have done so, because he experienced it himself first-hand. He experienced prison conditions himself first-hand and determined that many persons enter prison after having made a simple error, they mix and co-mingle with hardened criminals, and the very hardship of prison life itself turns them into hardened criminals. Many young people and first-time offenders would not become hardened criminals and repeat offenders if they were given a second chance.

**3.30 p.m.**

This is the whole thrust of this legislation, it provides an option. It is an alternative whereby persons can do community service to give back something to the community. They are not incarcerated with hardened criminals or murderers. In fact, the Schedule to the Bill recognizes that persons who commit indictable offences and felonies such as murder, treason, manslaughter and so forth, should not be subject to the provisions of this Bill. In other words, Mr. Speaker, this Bill applies to misdemeanours and minor crimes where it is recognized that a person is not a hardened criminal. It is a commendable Bill and I commend the Government for bringing it to this House.

Notwithstanding the absence of the Member for Tobago East, I think it is necessary for me to deal with him. It is unfortunate that in his maiden address to this House—and of course we are bound by the traditions of Parliament that one should not interrupt someone when he or she is making his or her maiden address, even if that person is speaking arrant nonsense. I felt constrained in having to listen to the Member for Tobago East on the last occasion. I want to read *Hansard*. Community Service Orders Bill, the Member for Tobago East, 3.10 to 3.20 on June 13. This is his thesis:

"It is individuals, Mr. Speaker, who are responsible. It is individuals who cause crime. It is individuals who commit crime; not society as the PNM misinforms children."

Then he goes on to say that we on this side are not very well read and continues with a lot of rambling about the philosopher Rousseau, Victor Hugo and the book *Les Miserables*.

Mr. Speaker, I am ashamed that a seemingly educated person could come into this Parliament and be so mixed up about literature. Let me read what the Member

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said and it is unfortunate. I am willing to give the Member the benefit of the doubt but I have a suspicion that he is a name dropper, he simply sprinkles his words with phrases and excerpts and that he really does not understand a lot of the learnings in literature. I will explain through an example. The Member said:

"These people have not read well."

Talking about us on this side.

"They do not understand that in the 18th century there was a lot of people following Jean-Jacques Rousseau, and people like that, who had this idea about the noble savage, saying that society forms the man and the man is not responsible for society. Rousseau wrote this book called "*Les Miserables*".

He corrected himself and went on to say:

"I am going to give them advice, give them a literature course now; things that they did not get at school."

The Member for Tobago East pontificating in the height of his arrogance:

"When you read Victor Hugo, you will find out that Jean Val Jean stole a loaf of bread was sent to the galleys—I cannot remember how it ended; if he died in the galleys—but certainly, his sister and his seven children were put to perish on account of his stealing a loaf of bread. Hugo is the one, I think, who set up the stage coming from Rousseau, to tell people that society is the guilty one."

This is an embarrassment. If the Member for Tobago East had read beyond the first paragraph of Victor Hugo's landmark novel *Les Miserables*—he admitted that he could not remember how it ended and that is because he never read it. I am ashamed that someone who professes to be educated, could be so illiterate or seemingly illiterate.

**Mrs. Robinson-Regis:** Functionally illiterate.

**Mr. C. Imbert:** —functionally illiterate. The Member for St. Joseph could perhaps correct me if I am wrong as he may have read it—it is necessary to give the Members on the other side an education because they may be misled by the Member for Tobago East with his name dropping and his smattering of knowledge. There is a saying: "A little knowledge is a dangerous thing." What he does is drop things here and there in an effort to impress, when he is really quite ignorant of the facts.



The central figure—I am sorry that the hon. Member is not here but I have to say—in *Les Miserables* Jean Val Jean, was a man who was sentenced to a lengthy term of imprisonment—and this will deal with this whole Bill—in a French penal colony. He felt he was unjustly sentenced. He entered into a long conflict with the chief of the prison and the guards while in prison. He was forever indicating to them that he was innocent and had been sent to prison wrongfully. Is that not so, Member for St. Joseph? You should educate the Member for Tobago East. I am going to give the whole story because it brings you to the whole concept of community service.

Jean Val Jean attempted to escape from this colony on many occasions. It ended with a battle between himself and the prison chief, who prided himself that no one ever escaped from his prison alive. That was the boast of the prison chief. Jean Val Jean managed to do the impossible; he escaped and lived. The prison chief vowed to hunt him down for the rest of his life. When he escaped from prison he was hungry, starving and ended up on the doorstep of a priest. He begged for lodging and food. The priest felt sorry for him and took him in. Correct me if I am wrong, I am speaking from memory. I do not have the book here. During the night Jean Val Jean stole all of the precious silver in the house. The priest, hearing the commotion, got up, realizing that his silver was being stolen did nothing, because he had compassion.

This is the whole point of the story. It is about society and how you deal with people when you treat them in a humane manner. The priest decided that he would allow the man to steal the silver because in his opinion the man's need was greater than his. Jean Val Jean went off with the silver. He was caught by the police and gave them a story that he was on his way to clean the silver, that he was doing a job for the priest. The police, not wishing to believe the story, brought him back to the house and asked the priest, "This man has your silverware and he has indicated to us that you gave him the silverware to clean it for you. We do not believe it. Is it true?"

The priest again felt sorry for Jean Val Jean and said, "Yes, it is true." Whereupon, both the police and Jean Val Jean were shocked. The police then went their way. Jean Val Jean was so overwhelmed by this act of compassion on the part of the priest that he resolved from there on to do good, to renounce his criminal ways and become a good man. He then became the patron of a town and created an industry employing the entire town.

Here is a man who was in prison, came out, was a thief, someone felt sorry for him and had compassion and helped him to the extent that he decided to devote

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the rest of his life to doing good. The entire story from there on is a series of events where he is tested and put on the line to decide what is the greater good. The story ends with him coming into a court house—I am shortening it. The prison chief, meanwhile, has been searching for him for 20 years and someone else was wrongly identified as Jean Val Jean, brought before the court and was about to be imprisoned as an escape convict. Jean Val Jean hears about it, comes to court and says, "I am Jean Val Jean, not this man. This is an innocent man."

**3.40 p.m.**

The whole point of the story is to demonstrate that someone can change, that if mercy and compassion are shown to someone, even the most hardened criminal could turn into a good man. That is the whole point of *Les Miserables*. Even the prison chief who was so driven by hate for Jean Val Jean having escaped—at the end of the story he escapes again but saved the life of the prison chief in a revolution—renounces his own bitterness in the story at the end and lets Jean Val Jean go to live a happy life thereafter. So the entire epic, Mr. Speaker, speaks of the reaction of men to compassion and mercy and how the environment conditions people and if people are treated in a humane and compassionate manner, they themselves may turn into good men.

I wish that the Member for Tobago East had read beyond the first paragraph of *Les Miserables*. One reads what the Member said, quoting from the *Bible*, the *Qur'an* and the *Bhagwat Gita* but he does not understand what he is quoting. I am asking the Member, even though he is not present, not to come into this Parliament to do so, because there are people who can read and have a little more understanding than the Member in some of the seminal texts in literature and who understand the ideas of philosophers throughout the years and would not be hoodwinked and bamboozled by his name-dropping and smattering of knowledge. I ask the Member not to make a fool of himself on another occasion and when he comes to this House, to deal with the essence of the matter before the House.

The Member spent over an hour spewing out hatred for the PNM, going back to some era when, apparently, he had a problem with the founder of the party and was not recognized or even known as a world intellectual. That was the problem. The Member has kept this hatred for the last 20 years and I hope we are not going to be treated with this outpouring of venom and hatred towards all things of the PNM for the rest of this parliamentary session, however long it may be. I recommend to the Member, who is new in this House, that he will gain the respect of us in this House if he deals with the facts and does not try to be bitter and

venomous, if he does a little more homework before coming to this House and not continue to make a fool of himself; and if he deals with Bills in a serious manner.

Mr. Speaker, on the last occasion the Member indicated that he was misquoted in a newspaper. I am going back to before the Member was even a Member in this House. I well remember when the verdict was handed down in the Hans Boos case, a statement made by the Member for Tobago East, who was in another capacity at the time. The Member objected to the seizure of the pornographic tapes and books. It has come back to haunt the Member now and it is unwise of a Minister of Government to be promoting blue movies.

I have raised this matter with the Attorney General and I think he should educate the Member for Tobago East that whenever he speaks at an official function in his capacity as a Government Minister, that whatever he is saying is, in effect, Government policy. A Minister speaking at an official function is not speaking in his personal capacity. When a Minister promotes pornography and says everybody has a blue movie in his home—I do not have one and the Member is not talking about a hundred-dollar note. “What is wrong with a little ‘blues’?”

Mr. Speaker, think about it. We are dealing with child pornography—paedophilia—which the Member for Chaguanas well knows is a very pernicious, evil crime—child pornography—which is what the Hans Boos matter was all about. Child pornography is the abuse of children, indoctrination of children into pornography. When a Minister of Government comes to this House and supports this kind of thing, I have a problem and I am calling on the Government to educate the Member for Tobago East, to be very careful in his public statements. I would not even talk about the statements on gay rights.

Mr. Speaker, coming back to the Bill at hand, the prison system in Trinidad and Tobago—as the Member for Couva South will well know since he has been a practitioner in the courts for some time, whom, I am certain, has actually been in prison; he has been a prisoner—just as the prison systems all over the world, is entirely inadequate. We in Trinidad and Tobago suffer from all the problems that prisons suffer—overcrowding, unsuitable facilities, the system of rehabilitation is inadequate. Our prisons are not nice; Trinidad and Tobago jail is not nice.

For that reason anything that would prevent young offenders and first time offenders from being exposed to that pernicious prison system in a controlled manner such as community service, the objective being to rehabilitate the offender, I must support, Mr. Speaker. If one looks at the prison population, the Member

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for Tobago West read out the statistics where 35 or 40 per cent of persons imprisoned are young offenders. In the depressed areas of my own constituency many young men between the ages of 18 and 25 have a prison record, many of whom are repeat offenders. They make a mistake, go to prison, mingle with hardened criminals and become hardened criminals themselves.

This Bill has to be part of a framework. It is just one aspect of penal reform and I hope that the Government will continue with the process of penal reform and bring more legislation aimed at reforming our prisons because crime is at an all-time high. There may be disputes on this and I would then say that the level of crime in Trinidad and Tobago today is unacceptable—murders, rapes robberies and other violent crimes. I do not think anybody on the other side can dispute that. Whatever we can do in this Parliament to reduce the incidence of crime and to give young people a second chance—and I see this Bill aimed at doing that; it is a rehabilitative and preventative measure—I wholeheartedly support.

Mr. Speaker, I thank you.

**Mr. Jarrette Narine** (*Arouca North*): Mr. Speaker, I thank you for allowing me at this time to intervene in this debate and as is procedural, congratulate the Member for Tobago East on his maiden presentation on this Bill. I also was involved, like the Member for Tunapuna, in the Tobago by-election and I remember seeing a “Judas” hung up in Scarborough, Tobago with a sign which read, “Sister Pam has lost her head”. Apparently it is so because having heard what I have today, it seems as though she has really lost her head.

**3.50 p.m.**

Mr. Speaker, after the hon. Member for Tunapuna spoke so eloquently and for one who has ability and experience in sports and youth affairs to come here and criticize the hon. Member for Tunapuna, I think it is unfair to my colleague, Mr. Edward Hart.

As a matter of fact, everything that was said that is being done by the Ministry of Sport and Youth Affairs was actually done years ago by the People’s National Movement and was simply a continuation today; changing names here and there, using other little parts of the ministry to do other things. For instance, you have not built anything in Laventille. You painted two tanks and you claim credit for it. My information about the painting of those two tanks is that 2,000 gallons of paint were ordered at \$315.00 per gallon. I am to receive further documentation on it and I am going to go public with the document. This is information reaching me.  
*[Desk thumping]*

When you speak about swimming pools, how many swimming pools did the NAR build between 1986—1991? How many houses were built between that period? None! How many houses were built in Laventille? None! Yes, the out-house in Laventille that your Prime Minister at the time opened.

**Mr. Hart:** And he cut ribbon to open it. [*Laughter*]

**Mr. J. Narine:** Today, you speak about a swimming pool which was created by the People's National Movement. The hon. Member for Arouca South built two swimming pools and one was removed entirely. You came here and talked about swimming pools. The complex that was opened three weeks ago next to the hon. Speaker's home in Tacarigua, up to this morning no one can use it. Why? There is nothing in place for the facility to be used.

Mr. Speaker, we do not have a problem with the Community Service Orders Bill but what we have a problem with is, whether the Government is capable of putting things in place to make it work. We are pointing out those areas.

Mr. Speaker, that indoor facility while it was opened—like the Lopinot Community Centre—nothing was in place to have it on stream. I came in Parliament and asked a question about the Lopinot Community Centre. They gave a deadline for its opening. It was opened but it is incomplete up to this date. Lies, half lies and innuendoes, that is what is taking place. [*Laughter*]

Mr. Speaker, when the hon. Member for Tobago West spoke about Gun Hill I am certain that most of the Members present do not know where Gun Hill is. It is opposite the Cap-de-Ville Government School near the Cap-de-Ville Junction. When that problem was created where young people were getting out of that area and creating havoc throughout that environment, I got in touch with the hon. Member for La Brea, who was working with Petrotrin—he got the permission because it was Petrotrin's land—and the Member for Point Fortin would know this, because it is a fact that he was a Member of Parliament at the time. We took that parcel of land and built a police post and a hard surface court on it so that the children opposite could go to school and enjoy the environment. [*Desk thumping*]

It was done by the People's National Movement. When you talk about Gun Hill today, you do not know the facts. I am telling you the facts.

Mr. Speaker, when you speak about Vegas, many people have blank faces. It is in Caledonia. The fact is that we had built the facility in Caledonia during 1992—1995. The Unemployment Relief Programme, under our portfolio, did that. When you speak about Vegas in Caledonia, you are trying to hoodwink anyone in Trinidad and Tobago who does not know what is taking place.

**Mr. Manning:** They are going to claim Despers panyard just now.

**Mr. J. Narine:** They are going to claim that, and they are going to claim Whitehall.

The hon. Member for Tobago West, in her contribution three weeks ago, said in the *Hansard* that she knew that the hon. Member for Tunapuna did not write his speech. I simply want to remind her that the first budget debate in Parliament last year, one of my colleagues, a schoolmate from Arima was sitting in a chair in the public gallery and as she read the budget speech, he too was putting down papers. He is one of the supervisors in the ministry and I have no doubt he is still writing for her.

She went on to say that every time he comes to Parliament—meaning the hon. Member for Tunapuna—he begs to come to the Ministry of Sport and Youth Affairs as a Parliamentary Secretary and she was really alarmed. We know differently. We know that the hon. Member of Parliament for Tunapuna—if anyone of us in this House can claim the right to do something for the youth population in Trinidad and Tobago, the one person who has that right is the hon. Member for Tunapuna. [*Desk thumping*].

Mr. Speaker, it is not hidden that Mr. Eddie Hart's League is 32 years old this year. [*Desk thumping*] He started that long before he came to Parliament. As a matter of fact, the first time he came to Parliament is when he was sworn in. Today, he is being ridiculed. Why? Because he would not cross the floor for pittance. [*Desk thumping*] We are very close. I am his colleague for 35 years and I am certain that he will not sell his rights for a mess of pottage. [*Desk thumping*]

I understand that some persons crossed the floor because a certain church, they took away the SHARE Programme and they were sharing food and the congregation stopped coming and now they got the programme back. That is a reason for crossing the floor and selling out the people who voted for them. Imagine that! And today you are talking about respect—where are the hon. Members for Tobago West and Tobago East?

**4.00 p.m.**

The Minister saw on television a United Nations report depicting Trinidad and Tobago as one of the top countries making inroads to eradicate poverty. This Government is trying to take credit for that. I want to inform this House, that survey was done in 1994 and I was part and parcel of it, leading the Unemployment Relief Programme. Mr. Gyan Sohota from the World Bank visited here. The

United Nations wrote a report which I read in Parliament on another occasion, which stated that it wanted to use that report for Mexico and other Third World countries, so they can see what we were doing with the Unemployment Relief Programme, that social safety net which we had created to interact with the structural adjustments that we were undertaking at that time.

They have completely forgotten that. At one time they said they met the country under good conditions. The economy was building, unemployment was decreasing, and all that, and they have done nothing. According to my political leader, the Government is working by remote control.

The Minister of Sport and Youth Affairs said that hundreds of letters were sent, congratulating the ministry. It is easy to say that. I wonder if they have a writing club. Another statement made here was, “a void that the PNM left”, and “I have to bring back the country from the wreckage left by the PNM”. After the Minister said that, she went on to praise Dwight Yorke, Russell Latapy, Brian Lara, Ato Bolden, and so forth. That did not happen overnight. It took years of training with the youth, the same way Mr. Eddie Hart has his league, from the five-year olds. Ninety-five football clubs play in the Eddie Hart league every year, including Dwight Yorke, and other young persons. They are taking very bold credit, like other things which are taking place in that Government, taking credit for what they did not do.

The Minister went on to say that the ministry is helping the football fraternity—

**Mr. Speaker:** Hon. Members, could we have some order, please?

**Mr. J. Narine:** Thank you, Mr. Speaker. That industry that is being created with the semi-professional league, I can say clearly it is a person from my constituency who has initiated that. He is a very good person in the football field and has been working assiduously to get the footballers out of this country. They claim credit for that also. They would also claim credit for the Centre of Excellence in Macoya just now—real half-truths.

Mr. Speaker, if the ministry is helping to build the sporting fraternity in Trinidad and Tobago, what is wrong with the Eddie Hart league? It has been in existence for 32 years. His league has written to the ministry and they did not even have the common courtesy to reply to the letter—

**Mr. Speaker:** I know that the hon. Member is leading up to it, but I ask you, please, from time to time, to bear in mind that we are debating: “An Act to make provisions for the making of community service orders in respect of convicted persons; to make provisions for the making of combination orders; and for matters incidental thereto”.

One does not begrudge you leading up to things, but if from time to time you could return to it, I would appreciate it.

**Mr. J. Narine:** Mr. Speaker, I was speaking of a contribution which was made by the Member for Tobago West and it is relevant to the Bill, in that many of us spoke about sport, education, rehabilitation and so forth—

**Mr. Speaker:** You know, I am not really arguing with you; all I am trying to say to you—you started at 3.50 p.m., and all I am asking you to do is from time to time, in leading up to the point that you are making, to return to the issue. That is all I am asking.

**Mr. J. Narine:** I would be guided by you, Mr. Speaker.

When one looks at what has been said and one looks at the youths of this country and tries to prevent them from criminal activity—first offenders especially—it is important to take that time to deal with them from a tender age. This is what Eddie Hart’s league is about and I am appealing for him to be given some help to continue that work which he has been doing for the past 32 years. The statistics will show that the sporting fraternity in that area has been able to keep some of the young people from committing crime.

The Member went on to say that when a youngster stabs his step-mother, you cannot blame the Government which is in power for only one and a half years. I would like to remind her that she was a minister between 1986 and 1991 and that five-year period has a bearing on today, the 15 and 20-year-olds. Was that created by a government which did not care about the people in Trinidad and Tobago, of which most of them were part and parcel?

Most of us are of the opinion that prevention is better than cure, as the old saying goes. Basically, we have no problem in supporting this Bill, but we have a problem with the ability to put this Bill into force.

It has been said before and I would like to repeat it because it is very relevant, that there is a critical shortage of probation officers in the courts today and when they go on vacation leave or any other leave, there are no replacements for them. This causes a delay of reports in the various courts by the probation officers.



**4.10 p.m.**

In piloting this Bill, the Minister said nothing about the supervision of work for community service. The Government says it is voluntary, but I am saying that the speed with which this Government seems to be falling, I do not think people would volunteer to help them do anything to make this country a better place.

Mr. Speaker, I think that the overcrowding of the prisons is relevant to this Community Service Orders Bill, and I have spoken to many persons coming out of prison, and heard stories about the overcrowding of the prisons. This Bill will bring a welcome relief to some of the people in authority, and I am in total agreement with that.

Another point that has not been made with respect to the Community Service Orders Bill is—I know this is a fact and the Member for Chaguanas knows this through his ministry—that as soon as someone is incarcerated, that person applies to the ministry for public assistance because he may have been the breadwinner of his family and would no longer be there. He cannot be refused because the state has him in a position where he cannot work to maintain his family. This Bill may contribute to saving on expenditure for the ministry.

Mr. Speaker, while crime is a major problem in the country, we are looking for prevention rather than sending persons on community service. I am sure that we all have heard that poverty is a crime. We have all heard that expression during our lifetime which has a direct relation to crime and everybody has their own experience and feeling about this and the many factors which contribute to crime.

Even in the United States of America they are building prisons to rent and they have this community service there. It seems to me that there will still be overcrowding and we would have to do more insofar as preventing crime rather than looking at having persons do community service as a means of punishment.

Mr. Speaker, in a recent survey we saw that one in every four persons in the Caribbean is living under the poverty line and this is not only linked to unemployment. Very often we heard Members on the other side, when they were in Opposition, state that it was not only unemployment, but also under-employment creates a problem in this country. In Chaguanas, for example, someone at a mall was telling me that they employ persons from the area in order that they would not have to pay transportation and can bring a meal with them when they come to work because they are paid \$20 per day. So that for the week they take home \$120. This is a fact.

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Mr. Speaker, then there is a situation in the Maloney area which poverty has led to. I know for a fact that persons there are selling their household articles to enable them to feed their families. This is because there is no equity as far as making use of the safety net which I spoke about. People are not being treated with equity throughout the country. However, I would come back to that in a while.

As a matter of fact, a statement on poverty in Trinidad and Tobago, which is very relevant to what we are saying, was made by the Minister on October 4, 1996. He stated that the highest incidence of poverty was located in the areas of San Juan/Laventille which was 12.7 per cent of the country's poor; Tunapuna/Piarco 9.7 per cent—which is a PNM-controlled area and includes Tunapuna, Arouca North and South, parts of Arima and St. Joseph; Princes Town, 9 per cent; Diego Martin, 8.2 per cent; Chaguanas Borough, 7.9 per cent and Siparia, 7.7 per cent.

I refer to these figures to indicate to you, Mr. Speaker, that even in the allocation of projects under the Unemployment Relief Programme, there is no equity. While there may be three or four projects in these areas, in other areas that they represent there are more than 40 to 45 projects. We had these statistics and took them into consideration when indicating where jobs would be allocated so that the people there can be employed and not find themselves involved in crime. I can tell you for a fact that between 1992 and 1995 the statistics for Arouca went down, but it is on the rise again. There are murders taking place in our area that never happened before and we are very much concerned about that. So that all the programmes that the Member for Tobago West spoke about to prevent crime, and for which the Community Service Orders Bill would apply when it is put on line in Trinidad, are very relevant to the safety net and keeping the poor people out of prisons.

Mr. Speaker, when I was a member of the St. George East County Council there was an alderman who is now a legal luminary in Trinidad. We brought a motion in council on unemployment in the St. George East County Council area at that time and in my presentation I indicated that lawyers would have a field day when there is unemployment because the crime rate would rise. His reply to me at that time was, "How do you expect them to pay the lawyers, they must thief". That is the situation that one finds when one speaks about unemployment. It is linked with poverty, under-employment, education, health and it is total. A holistic approach needs to be taken to keep our young people out of prisons.

Also, Mr. Speaker, there is the situation of street children. Believe it or not, some adults use these children to get through small windows to steal and we must

look at that. The Minister kept repeating that street children, vagrants and poverty would be dealt with, but we are only hearing promises as expected of this Government. Only promises and "we are talking", "we are putting things in place" and "we are trying to". As far as I am concerned, they have not done anything as yet.

Another situation that exists is that of the drug addicts and alcoholics. These are the people who very often leave their children for the grandparents to maintain and when they are unable to, the children are left to the whims and fancies of the penal system in Trinidad. They get themselves involved in stealing and so forth. Those children are first offenders and would come in for community service.

**4.20 p.m.**

Mr. Speaker, many Members have spoken about family upbringing, and the Member for Tobago East spoke very eloquently about his mother and upbringing. We know that the family upbringing is very important for the youths, as well as the teachers, role models and the neighbourhood in which they grow up. How can a family keep that family structure together when there are problems such as unemployment, under-employment and poverty? I remember the Mighty Sparrow sang a calypso entitled, "No Money, No Love". You can understand what takes place in that family structure.

There are areas between Arouca North and South where the fathers have walked out and left the mothers with the children. They are single parents. Yet, one hears that no longer would the Unemployment Relief Programme employ women. That is putting them out. I want to know what kind of law is that. If it is religious, let us know. Once those programmes which they speak about are put in place, the Community Service Orders Bill would become effective. Less persons would commit crimes.

Last week, I visited the National Union of Government and Federated Workers and asked if any survey was done on the number of persons who were first time offenders, and if the Ministry of Local Government or any other ministry would be affected. I would link it with the Community Service Orders Bill. The Member for Tobago West alluded to the fact that over 45 per cent of them are first time offenders and they would be placed to do community service. As a matter of fact, we know that there are programmes of work which come to local government before the following month, so that they can be passed at the statutory meeting. If it is that the poor and disadvantaged in the community create that situation, and over 45 per cent of the youths are first time offenders, what type of community

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service would we give them? It means that most of them would go for labouring service in the community. Will this affect the programme in local government? Will they be duplicating the work which is supposed to be done by local government?

As the Member for La Brea said, he knows that the Member for Chaguanas is a sportsman and he is thinking about cleaning recreation grounds. That area is controlled by a ministry. I am asking the National Union of Government and Federated Workers to which I belong, if any research was done on this Bill. Nothing was done. They are now going to see if it would affect the work force which they control.

At this time of the year, as Members of Parliament, we have the opportunity to attend graduation functions. I attended a few. A school in D'Abadie has been closed and I came in Parliament and asked the Minister when it would be reopened. He said that it would be reopened soon. I want to know how soon is soon. When the People's National Movement was in government this school was built at a cost of \$2.5 million. Instead of spending \$50,000 to repair the toilets, the students are on a half-day shift system with those at Maloney. Education is a disaster in this country. There was a White Paper on education and up to this time nothing has been done about it. The Government has only pulled out little parts and pieces from it. The Minister of Education is always at loggerheads with principal, teachers and books. He has a problem with everything! Do not talk about the staff at the Ministry of Education! That is a critical area in that Ministry.

I remember last year the Minister promised that 10 daycare centres would be built. What has happened to that? I would like him to say something about that. I understand that a non-governmental organization is now handling that for the ministry. We like to know that the non-governmental organizations can do something about it. When they receive money they must say where it is spent. It is critical that our children be kept out of the prisons. Instead of making laws to keep them imprisoned, we have to keep them out of prison. It is a system that the Government must start now so that everyone would inherit in the future.

This is not a political issue, but a national problem. We must keep politics out of it. This Minister of Education would send us 25 years backward. I remember that a former Minister of Education came to Arima Government Secondary School and told the students that when they had completed their education, the government would have no jobs to offer them.

**Mr. Assam:** That is your legacy!

**Mr. J. Narine:** You belonged to that political party at the time. It was your Minister of Education who went there and said that, as so many of your ministers are doing now. They are giving false information. *[Interruption]* Libel who? I understand you are looking at tapes from the square on Wednesday night. You will have many more to look at because the information is coming out now, and the people are happy that we are giving it through the "People's Parliament". *[Desk thumping]*

That former minister went there and said that. I had a son in Form II and he came home and asked me what is the sense in continuing his education when the Minister of Education said that when he was through with school, there would be no employment for him. I told him that was nonsense. It is not only the government that has to employ people, but he had to make himself employable. The Member for St. Joseph knows that no government in any country can solve the unemployment problem by itself. It is necessary for other agencies in the country to develop to cause that. When our soft drinks cannot be sold to other countries, he would have a problem because it would create unemployment in the soft drink industry. He has been saying that. Credit is due to him for that.

**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. J. Narine:** Mr. Speaker, when we took the tea break, I was about to speak on the problems which exist in the court system and the long delays for justice. I have had one of my constituents come to me indicating that in order to get a prisoner to the court, one had to be paid to do so. If it is a fact, I would like the Government to deal with it.

Someone spoke about the transport system which is now in place with Amalgamated Security and which is doing well. But I would like to put on the record that that was done by our administration, the PNM, and it was done properly. There were three tenders by Securicor, Amalgamated and Royal Bank, and Amalgamated Security won the tender. It took some time to put the vehicles in place, but this is one of the things which the Government has inherited.

I am saying that the type of offences and punishment in this Bill need to be looked at very seriously, and counselling must be part of the punishment for the first offence so that person will not be committing offences over and over. Knowing the problems and the referrals to different agencies are very important to this Bill.

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It is also imperative that the social safety net about which I spoke should be introduced to take the pressure off the person, for example, the Unemployment Relief Programme. I know of instances where the probation officers referred persons coming out of prisons to the Unemployment Relief Programme, for it is a known fact that if a prisoner comes out and remains out there, he finds himself involved in crime again if he does not have money to re-adjust and make his life comfortable on the outside. The referral of ex-convicts is very important.

I will also make the point that if we do think that embarrassing someone will deter him from crime, we are wrong. I would not like to see one of my role models doing community work. I have had the experience of working with the government for a period of three years and ten months and having persons come to me. One example is a well-known gentlemen from Port of Spain who told me how many times he had been to prison. He has a daughter attending the convent in Port of Spain and he felt if he should go to anyone to get a job he would not get it, so his life was centred around the Unemployment Relief Programme. He lamented that he would not be able to sustain himself because the community around Port of Spain knew him well and would not give him a job, so he has had to depend on the DEWD and LID programmes over the years to get employment. The grassroots in the community may be poor and humble, but they have pride and I will suggest when the Minister is looking at the type of work for community service that he takes this into consideration.

There is another situation on which the Member for La Brea touched, whereby the different strata in the society will benefit—those who can pay by getting top legal advice and representation in the court. So there is the poor man who has to get legal aid given to him, who will probably not benefit from this legislation so we have to be mindful of that. I am certain that we all have some experience in this sort of thing because recently there was a murder in my constituency and it was proven beyond doubt that the person had murdered the young man and returned him to the business place, but because of legal advice, he was placed on a bond and asked to go to a psychiatrist. Probably, if it were someone who did not have the wherewithal with funds, he would have suffered more than he is going to suffer for the crime which he did.

I thank you, Mr. Speaker. I hope that I have enlightened some of my colleagues and I am certainly grateful to you for not holding me back from speaking. I will like to commend this Bill; I do support it.

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I rise to respond to some of the queries which have been raised with respect to the legal matters concerning the Bill, and also to deal with some of the criticisms made by some Members here today.

What has happened is that since 1980, the Abdullah Commission of Inquiry into Prison Conditions reported that the penal system should be reformed in such a way so that there should be new ways to deal with the development of prisoners. Since 1980, the administration knew that some new ways had to be found to deal with prisoners especially those who, if they go into the prison system would be contaminated and, therefore, were not likely to be rehabilitated.

Over the years, countries have developed the concept of restorative justice, that is where the emphasis is on rehabilitation of the prisoner and efforts made to ensure that the prisoner is rehabilitated even outside the walls of the prison. So this Bill is the first in this country in which the authorities would have the opportunity of rehabilitating prisoners even before they go into the prison system. It is in that context that one has to understand the policy of the Bill.

As mentioned in clause 3(1) of the Bill which says:

"Where a person of or over sixteen years of age is convicted of an offence...and is to be sentenced for a period of imprisonment of twelve months or less, including a sentence of imprisonment imposed in default of payment of a fine, the Court by or before which he is to be sentenced may pass the sentence but may order the operation of the whole or part of the sentence to be suspended for a period not exceeding two years and may then make a community service order requiring him to perform unpaid work in accordance with the provisions of this Act."

Mr. Speaker, there has been some criticisms made about this policy concept in clause 3 by the Member for Arouca South and the criticism has been that a conviction is recorded and suspended, and she quoted from the United Kingdom system.

Mr. Speaker, there are different models of community service order legislation and when this concept was being considered, it was felt that the concept of having a conviction recorded against the person, and for the sentence to be suspended was the one we should go for, although initially the Government had opted for a different policy. It was because of representations made. One would recall there was a conference in Trinidad and Tobago earlier this year where penal reform was

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considered. It was the first international conference of that kind and because of the representations made, the Government decided this was the policy with which it should go.

**5.15 p.m.**

One has to understand that whilst the conviction is recorded the prisoner performs the community service order, and the Bill provides for circumstances in which there can be a nullification of the conviction, depending on the circumstances of the matter; how the offender performs the community service; what kind of person he or she is and the recommendations made. The court would then have the power, on an application made, to nullify the conviction and clause 26 states:

“Where an offender who has no previous conviction receives notification of his fulfillment of the requirements of the community service order enforced against him, the court may, upon application by the offender, make an order declaring the record of a conviction against him null and void.”

So one sees also that the Bill provides a machinery—in cases where there is a conviction and the person was a first offender—to have the conviction nullified.

It is correct to say that this Bill is not limited to young persons; it is also for persons who are 16 years of age and over, who are convicted. Apart from the fact that there are certain offences for which such orders cannot be made, the court, in making the community service order, would have a discretion, depending on the circumstances.

If one reads clause 6 one would see—that is the clause under which the court would have to make the order—the safeguards that exist and the kind of discretion given to the court. It states:

“A court shall not make a community service order under this Act unless the offender consents, and the court is satisfied -”

So the offender must first consent and the court must be satisfied:

- (a) after considering a report by a probation officer about the offender and his circumstances and, if the court thinks it necessary, hearing the probation officer, that the offender is a suitable person to perform work under such an order;”



It must be so, Mr. Speaker, because if the person has to perform work he must consent to perform that work and suitable arrangements can be made for him to do so.

**Mr. Bereaux:** Mr. Speaker, I thank the hon. Member for giving way.

This is for my clarification, hon. Attorney General. Is it intended then that the consent of the offender to the quality of the terms of the order will be after the order is made or before the order is made?

**Hon. R. L. Maharaj:** There is a conviction recorded because a person is found guilty, but before the court decides what sentence should be given there will be a recommendation for community service order. The court will have to consider all the circumstances and depending upon whether a person consents to such a matter, the court will then make the order. One has to understand that under clause 25, regulations would be made for:

- “(a)...the number of hours of work to be done by a person under an order...
- (b)...the calculation of time...
- (c) the payment of travel...
- (d)...records...
- (e)...the appointment...”

But very important:

“...for the performance of work under a community service order, for arrangement for a person to perform such work...”

I have been told how this community service order operates in other parts of the world. Work is not only done at government buildings, it can also be done at non-governmental institutions and under the supervision, obviously, of the probation officer. This is the model which most countries have used and we have been told that it works very well. It does provide some means of letting the offender know that if he does not do the community service order there are provisions under the Bill—I would not read them because I am sure Members know them—that one can go back to the court and can, in effect, make imprisonment orders or other orders depending on the circumstances.

It is correct to say that this Bill would assist in reducing the prison population and apart from reducing the population—because one cannot really build prisons to accommodate all prisoners—ultimately new ways have to be found to deal with

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the problem of rehabilitating persons and preventing the state from having to pay great sums of money to keep them incarcerated.

One is hoping that when this Bill is implemented it would be able to achieve its objectives. May I say, Mr. Speaker, that the Government has been very concerned about ensuring that this Bill is implemented. The Minister of Social Development has been having discussions with the non-governmental organizations—I am sure he will elaborate on this—and they have given their commitment to assist the Government in implementing this Bill. This Bill would not be implemented without the co-operation and assistance of the non-governmental organizations. Non-governmental organizations have come forward in societies where this Bill has been implemented and worked with the government to ensure its implementation.

I should also mention that I have had discussions with the Chief Justice on the implementation of this Bill and there would be need for magistrates and judicial officers to be oriented in respect of these kinds of measures. The Chief Justice, in his capacity as head of the Judiciary, has given his commitment to co-operate with the executive arm of the state in taking all the necessary steps to ensure that the Bill is implemented. It is recognized, by the judicial arm of the state, that this is necessary to deal with, and improve, the criminal justice system in Trinidad and Tobago.

This Bill really presents no legal problem. I should say, however, that when one looks at clause 24—I do not know whether there has been a misunderstanding of that clause—it does give the courts the power to make the community service order, combined with a probation order. I do not think there is any problem with that, because one can have orders in which one would have to put the person under the supervision of a probation officer and also can order for community service to be done.

I do not think we should worry too much about guidelines and regulations because in all cases where such legislation was enacted, one had regulations or guidelines to implement the Bill. For example, in the Zimbabwe Community Service Orders Bill there were guidelines and I could give an idea of what sort of grid is used in order to determine how many hours of work are to be imposed.

**5.25 p.m.**

I am reading from a document called the “*Guidelines for Magistrates, Zimbabwe National Committee on Community Service.*” It says:

“The new grid of hours of community service as related to periods of imprisonment is as follows:

1 to 3 months imprisonment is equivalent to 35 - 105 hours

3 to 6 months imprisonment is equivalent to 105 - 210 hours

6 to 9 months imprisonment is equivalent to 210 - 315 hours

9 to 12 months imprisonment is equivalent to 315 - 420 hours.”

So that when the regulations are being presented they would take consideration of the hours of work and have them in hand.

Mr. Speaker, there has been one suggestion which the Opposition has made. I have checked and I have not found any proposal or any amendments filed, but the Member for Laventille East/Morvant did raise with me the question of the attempt to commit the offence as included in the schedule, that is to say, the schedule for which the community service orders would not be able to be had. The Government has no problem with that. As a matter of fact, I had given instructions and an amendment has been drafted and the Minister would move that amendment to insert after the word “offence” occurring in subclause (3), the words “or an attempt to commit an offence”.

The enactment of this Bill puts the policy of the Government on crime in its perspective. The policy of the Government has been well known. This Government has made it quite clear—and there is much talk here about the crime rate being high and so forth—that its policy and action have been to do everything possible to prevent crime; to give the police the necessary powers and resources to apprehend the guilty; to equip the courts and strengthen the criminal justice system, to ensure that the guilty is convicted but that the innocent is acquitted. Those who are convicted must be dealt with effectively and their punishment must be carried out. This Government believes that punishment is important and it can assist in the prevention of crime. It also believes that in respect of offenders who can be covered under this Bill, that there is a duty and an obligation on the state, as a civilized society, to do something in respect of offenders who may have committed offences for the first time, or even if it is not a first time offence, they may have committed offences, but not of a very serious nature and that the court would have the necessary discretion, considering all the circumstances of the matter, to try to prevent those kind of offenders from being contaminated by going into the prison system. They try to save them from being seasoned criminals.

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However, I think that it has been a bit unfair for some of the comments to have been made in respect of some of the contributions which have been made by Members on this side. I think that I owe a duty, not only to this honourable House, but to the Members, to deal with some of those unfair criticisms.

The hon. Member for Tobago East has been criticized and it is unfortunate that the harsh language used by the hon. Member for Diego Martin East could not have been justified in light of the fact of what the hon. Member for Tobago East said. *[Interruption]* Why is the Member worrying? He still has to have me here for a long time, so he might as well get accustomed to it. *[Laughter]* At page 46, after the sentences read by the hon. Member for Diego Martin East, the hon. Member for Tobago East and Minister of Tobago Affairs went ahead and said that he believed that it was book two, chapters six and seven, where we got a description of poverty as the cause of crime. Then the Minister of Tobago Affairs quoted at length, from the passages of the book. Then he talked about mercy. He said:

“Mr. Speaker, I want to end by telling you something I learned when I was at primary school. I hope I can say it in two minutes:

The quality of mercy is not strained, it droppeth as a gentle rain from heaven upon the place beneath. It is twice blessed...”

And he went on.

The point that the hon. Member for Tobago East was making was that the law must show mercy and this Bill was demonstrating that the law was prepared to show mercy in certain circumstances. That was the philosophy. The Member for Diego Martin East got up here this afternoon and tried to give the impression to this House—after trying to recite all that he read a few days ago about this book—that the hon. Member for Tobago East did not portray the philosophy, which was that mercy must be shown and that the people who have experienced imprisonment and have written books and so forth, have advocated that. I think that the hon. Member for Diego Martin East should apologize to the Minister of Tobago Affairs.

I noticed that he was not in Woodford Square when they had some kind of Parliament being convened there. It may be that he cannot read well. When one sees his contribution here this afternoon, it is quite clear that he should not really accuse the Minister of Tobago Affairs of not being able to read; of not being able to understand and of being functionally illiterate. I think that he was describing himself because he did not understand what the Member for Tobago East was saying.

Then there was some unfair attacks on the Member for Tobago West, the Minister of Sport and Youth Affairs. As a matter of fact, the Minister of Sport and Youth Affairs recognized that sport played a very important role in trying to prevent persons from being involved in crime. She went at length and gave instances of what she was doing. She produced facts and figures; she showed how, for the first time, the ministry was getting such a large vote for matters like that. The Member for Arouca North, in response to her, tried to say, “well, you know, the Member for Tunapuna is very good; he is very involved in youth.” No one disputes that. That is not the point. The point here is not that the Member for Tunapuna is involved in youth work—the Member for Tobago West did not say that—but it is very significant that the PNM, in 1991, knew that the Member for Tunapuna is involved in youth and he is promoting youth, but it did not make him a Minister or put him in the Ministry of Sport and Youth Affairs.

**5.35 p.m.**

As a matter of fact, Mr. Speaker, the PNM did not recognize the Member for Tunapuna. The PNM was saying that the Member for Tunapuna was not good enough to be the Minister of Youth Affairs. The PNM was saying that he could not contribute to the promotion of youth at a national level in Trinidad and Tobago. Here it is the Minister of Sport and Youth Affairs has demonstrated that she has been able, under this administration, to make such a dent in respect of the matters dealing with youth in Trinidad and Tobago. [*Desk thumping*]

What I would have liked them to do is give an explanation about why they knew, in 1991, that this philosophy to deal with the young people of Trinidad and Tobago—to deal with offenders like these—was important, but they did not deal with it. Why did they allow offenders, who could have been contaminated in the prison system, to continue to go there, and took no steps to deal with it? Why did they not pass the Community Service Orders Bill?

**Mr. Hinds:** Thank you kindly, Member for Couva South, for giving way. I would like you to tell us how long ago the concept of community service orders was introduced in the United Kingdom, from where I know you borrowed it. Is it not a fairly recent development in terms of jurisprudence?

**Hon. R. L. Maharaj:** Mr. Speaker, since the 1960s community service was a concept in the world. I have a discussion paper, *Restorative Justice*, and it has been introduced in several countries. What I do know is that the PNM knew about it in 1991 and also about the Abdullah Report in 1991. The Abdullah Report

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recommended that way of dealing with prisoners in these circumstances, concentrating on the rehabilitation of prisoners outside the prison walls, recommending community service, and the PNM closed its eyes to it in 1991, 1992, 1993—

**Mr. Valley:** Mr. Speaker, if the Member would give way, I just want to make the simple point that the PNM concentrated on preventative measures rather than rehabilitative. The Civilian Conservation Corps: putting the horse before the cart rather than putting the cart before the horse. That was the concentration.

**Hon. R. L. Maharaj:** It is because they could not deal with that, why they lost the election. The country recognized that they could not put any preventative measures in place. What preventative measures did they put in place?

**Mr. Valley:** Mr. Speaker, just for the record, the PNM got more votes than the UNC in the last election.

**Hon. R. L. Maharaj:** According to the law, it is not how many votes one gets, it is how many seats one has. They got more votes but they are on that side of the House.

**Mr. Speaker:** Order please.

**Hon. R. L. Maharaj:** The fact of the matter is that the PNM did not do it in 1991. They talked for two days. They support the Bill; they support the policy; it is a good measure, but they give no explanation why in 1991 they did not do it. The Member for San Fernando East did not put the Member for Tunapuna as the Minister of Youth Affairs and make him recommend such a Bill, or even advise him. As a matter of fact, the Member for San Fernando East almost did not put him up as a candidate for the election, and dismissed him from the Ministry of Sport and Youth Affairs.

**Mr. Speaker:** Hon. Members, it just will not do that there is shouting across the table when a Member is speaking. We cannot do it like that, please.

**Hon. R. L. Maharaj:** Mr. Speaker, the PNM was not interested in rehabilitating people. The PNM was not interested in taking measures like these to protect the children, the future of Trinidad and Tobago. They were not interested in preventing the contamination of youths in the prison. When the Member for Naparima was removed from the Ministry of Foreign Affairs, if the Member for San Fernando East had any commitment for the young people, he would have put him to see about the youth instead of putting him in the office of the Prime Minister with no portfolio. Minister without portfolio!

**Mr. Manning:** Mr. Speaker, I thank the hon. Member for Couva South for giving way. It is quite clear he intends to order a flogging for the Member for Naparima this afternoon. Had we made the error of taking the advice that is now being so generously suggested by the Attorney General, we may have well had a situation developing in the Ministry of Sport and Youth Affairs, similar to the one that has now developed in Venezuela.

**Hon. R. L. Maharaj:** It is good to see that the Member for San Fernando East can come to this House and talk, but it seems he has his voice only to talk on matters like these. He reserves his speech to talk elsewhere. Can I ask that he try to use the Parliament to deal with issues, and if he has any problem about the functioning of the Minister, he knows there is a way here in which it could be debated and responded to.

Mr. Speaker, I want to tell him that he will lose the Motion here and in the Square, too. I do not think there is need for me to trouble this House anymore. I think I have responded to the legal issues which have been raised. I wish to give this House the assurance that the Government has taken steps to ensure that this Bill will be implemented to give effect to its aims and objectives. I wish to give the assurance to this House that this is not the only measure which this Government is taking to introduce and promote restorative justice. As a matter of fact, this is a form of mediation in criminal law. It is recognized that this kind of justice, restorative justice, is a form of mediation in respect of punishment and criminal law.

May I end by saying that if the Opposition were following the events of what is happening in this country, it would have seen that the Government has also published a Community Mediation Bill the contents of which would, in effect make it possible that in respect of petty criminal offences, persons would not have to appear in court to face charges. There can be mediation with the communities getting involved. That Bill has been out for public comment and shortly, the Bill would come to Parliament.

#### **5.45 p.m.**

So it demonstrates that this administration has recognized that the procedures have to be changed in order to try to save our human resource, our young people from getting contaminated by the prison system. It recognizes that some people get into difficulties, they get into breaches of the law, through no fault of their own at times, and there are extenuating circumstances. It has recognized that there is a responsibility of the state, not only to ensure that people are properly punished, but

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also to ensure that prisoners in appropriate circumstances should be rehabilitated where the circumstances merit their rehabilitation.

Mr. Speaker, the Community Mediation Bill is another instance of the kind of radical transformation which is taking place in Trinidad and Tobago, and may I say that there is, at the present time, a committee looking at a penal policy for Trinidad and Tobago and that committee would come up with a report. It is being assisted by members of an international movement which came to Trinidad and Tobago to conduct a seminar in respect of alternatives to custody.

Mr. Speaker, I thank you very much.

**Mr. Roger Boynes** (*Toco/Manzanilla*): Mr. Speaker, as I join this debate, I will be brief. Let me just indicate that we on this side have absolutely—as my colleagues have explained during the course of this debate—no difficulty with the introduction of community service in this country to assist the young people. Because there are some instances in which the young people, through no fault of theirs, find themselves on the wrong side of the law, and as such, must be given an opportunity not to be contaminated by the more seasoned criminals. We agree with that, Mr. Speaker.

However, we on this side have always felt that a good approach to dealing with the young men and women in this country is from a preventative perspective—always approach it from that perspective. I have just heard my friend from Couva South asking and begging the question from this honourable House, and he is asking: What have we done on this side as it relates to preventing young offenders from going on the other side? We have to say that this side—when they were in governance—have made tremendous efforts to prevent the young offenders from going on the other side. They have built youth training centres, there have been several youth camps, several programmes that are focussed on the actual preventing of the young offenders or the potential young offenders from going on the other side of the law. One must not underestimate the need for implementing preventative systems in a practical manner.

When one looks, for instance, at this Community Service Orders Bill, one has to appreciate that simultaneously, with the advent of this particular piece of legislation, there should also be very serious, practical programmes implemented to deal with the prevention of crime. If I may just digress for one moment, may I say that in order to deal with the youth of this nation, one has to understand them. My friend from Tobago East: he himself cannot attack the media, demonstrate lawlessness and



expect young men to be disciplined. Each and every one of us in this Chamber has to be a very good role model for the young men and women out there to be on the right side of the law. [*Desk thumping*]

One has to understand that nowadays, the young men and women are bursting with energy. We have to use, focus and educate the energys, the brilliance, the talent of the young, by using the wisdom and experience of the old. It is so important in this modern and technological age in this country, with the advent of cable television, with the advent of movies and videos, for us all in our actions to always be mindful that the young men and women are looking at us. When one decides to attack the calypsonians, or the media, one cannot ask the young men to respect us. We have to understand that we must demonstrate a certain amount of lawfulness, because they are looking at us. We cannot come into this honourable Chamber, be making fun and games, playing hopscotch, and expect the young men and women out there to take us seriously.

Mr. Speaker, for instance, we are basically a young society, and in my humble opinion, when I look at how hard many of our parents and grandparents used to work, some of them used to work in the estates, some of them used to "plant garden", most of them have built this country to what it is today through their hard sweat.

With the advent of our oil dollars and with money flowing like water in this country, what has happened over the years is that some of our families have left the estates, have gone into a system where money is easier to access and have lost the will to really work hard. Understanding the young man's mind in some instances, he has lost the will to really and truly go in the estates and work hard. What one finds happening now, with the advent also of drugs in the society and with the rampant lawlessness by our leaders, is that the young man has adopted a sort of 'don't care' attitude.

I remember when the 'Pan in the Grand' in Sangre Grande was held. There were many activities for the young in that community. They were enjoying themselves and at a given time they just started getting on in the most lawless manner saying they do not care. 'We do not care'. One has to understand also that there is a fad in this country where some of the young women are so attracted to what is termed a 'bad boy'. One has to understand that! In understanding the youth, it is normal for a young fellow to have at least two or three criminal records. 'He can be my boyfriend', that is what young women are saying in some instances.

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**5.55 p.m.**

I am picking this up because on a daily basis I meet them in the communities. I see it in the courts everyday. *[Interruption]* I am saying some of the young women.

Mr. Speaker, one has to understand the minds of youths. That is why—

**Mr. Speaker:** Order, order!

**Mr. R. Boynes:** —they cannot begin to put any system in place to deal with the young. You have to understand the minds of youths. They are very energetic and unless we do not—

**Mr. Sudama:** Would the hon. Member give way to a question?

**Mr. R. Boynes:** —curb and shape the energy of the young there would be an explosion in this country.

**Mr. Sudama:** Would the hon. Member give way to a question?

**Mr. R. Boynes:** You can speak after me. We have to be so cautious about providing good role models and putting systems in place to deal with the minds and energies of the young.

When we look at the family structure in this country we have to be a bit concerned, because parents need to adjust to this modern and technological age. They need to keep an eye on their children, go to church and take their children out, as a family unit. These are things, Mr. Speaker, one must as a government focus on. One must encourage family building and the unity of the family, in this country.

When we really and truly examine the young they are crying out for heroes in this country, in a voice as loud as possible. They are crying out for us as leaders to behave. They are asking for us to behave, Mr. Minister from St. Joseph. Ask yourself hon. Member for St. Joseph are you a good role model for our children today?

**Mr. Manning:** The answer is no.

**Mr. Assam:** If you want to ask me that do so outside, do not use Parliament to do so. I would tell you that you are not one either, and I would not do it in Parliament.

**Mr. Speaker:** Order, order!

**Mr. R. Boynes:** In this country some of our greatest resources can be seen in our people. In a country as over-resourced as ours, rich in oil, ammonia, methanol, most beautiful beaches and the list is as far as the eyes can see, when we really look and see the greatest resources we have we would recognize that the greatest resources are our young people. That is why, rather than only having a system of rehabilitation whereby you are providing for them in terms of giving them community service and a prison term, I am simply saying that we also need to have preventative measures to deal with our young ones.

Do not simply take it from me that the young ones and our people are our greatest assets. To mention a few of our resources, you can look at people like Dwight Yorke, Russell Latapy, Ato Boldon, Neil DeSilva from my constituency, Ian Bishop, Mervyn Dillon, and Kareem Abdul-Jabbar, of whom some of you do not know that his father was born in Matura, in my constituency, Margo Bourgeois, Janelle Penny Commissiong, Miss World and Arlene Peterkin.

**Mr. Assam:** Are they the ones that like criminals?

**Mr. R. Boynes:** When you look at the resources that we have in our country, it is important to nurture and focus the energies of our young. Look at what they can do. They can achieve the greatest positions in the world. Look at Samuel Stafford, the world karate champion. I am simply giving an indication of some of the natural resources we possess.

We can implement things like post-primary integrated classes whereby we can have our talented people, our heroes, actually going to these classes and inspiring the young ones. It is important for them to feel closer to their heroes. They can actually touch them and know that they can be the greatest in the world. I am suggesting that these post-primary integrated classes could, apart from only focusing on education and academics, also focus in a tangible manner on developing the skills and talents of the young. It is important.

We on this side firmly believe in young men and women. We do not want them to go astray. That is why we are supporting this piece of legislation and insisting that meaningful programmes be set up in order to deal with the actual preventing of these young people from committing crimes.

When we look also at persons like Mr. Eddie Hart.

**Hon. Member:** Role model of the highest order.

**Mr. R. Boynes:** I am saying to this honourable Chamber that he is a role model for our children. [*Desk thumping*]. He is an inspiration to the young men and women in this country. For 32 years, on his own, Mr. Speaker, he has been able to set up a football league through which many of our heroes have come. Russell Latapy, Dwight Yorke, even Brian Lara used to play football in his league. Many of our heroes have passed through Eddie Hart's league. In order for us to deal with the young men—I understand that my colleague from Diego Martin East also played in that league.

**Mr. Maraj:** That is a discredit to the league.

**6.05 p.m.**

**Mr. R. Boynes:** In order for us to really and truly help in preventing the young men and women from going astray, all of us need to take a page out of the Member for Tunapuna's book and do the same thing in our constituencies. It is very important because young men look up to each and everyone of us in this Chamber as a leader and an inspirator. We have to put young men at the forefront of nation building. We need to have classes for them and ensure that we educate our young men and women. We have to ensure that they feel they can be a Prime Minister, a President or a Speaker. We not only have to talk and give them speeches that sound good but speeches that are good and sound; not speeches that bring people to their feet but bring people to their senses. The young people are looking at us and we have to understand that.

Mr. Speaker, all of us as Parliamentarians must get serious in this country. The country is begging us to get serious and we have to stop joking and ensure that we put proper programmes and systems in place to deal with and prevent our young ones from going astray. I say this, Mr. Speaker, and I hope to God that it falls on good ears.

Mr. Speaker, I thank you.

**The Minister of Social Development (Hon. Manohar Ramsaran):** Hon. Members, let me begin by congratulating the Member for Tobago East for his sterling contribution to this debate on the Community Service Orders Bill. I also thank Members opposite for supporting the Bill and for the advice given. I wish that this had happened 30 years ago but albeit late, I will listen to Members' advice and ensure that it, indeed, is introduced in Trinidad and Tobago. When we listen to the Members opposite, they are full of ideas and I wonder if given a chance to speak to their colleagues before, when they were in government, whether it would have made a difference.

I will now look at some issues regarding poverty and crime. This Government has been dealing with poverty since it came into office and will continue to do so. As you all know, our efforts have been recognized by the United Nations Development Programme in its *Human Development Report* released a couple weeks ago. Trinidad and Tobago is ranked No. 1 among 78 developing countries, over countries such as Cuba, Chile, Singapore and Costa Rica. In reply to the Member for Arouca North, in 1994, Trinidad and Tobago was placed No. 40 and in 1996 we moved to No. 1. This was because of our efforts at poverty eradication and emphasis on social policies and issues.

Poverty in this country, according to that report, has been reduced to a rate of 4 per cent or less than 10 per cent of the population. This Government, with the hard-working Ministers we have in the social sector as was outlined by our Minister of Sport and Youth Affairs, continues and will continue to make this country remain in that top position. The hon. Member for St. Ann's East spoke of a forefront war on crime consisting of heads, hands, heart and will. I could venture to say that this Government is doing just that with the social programmes. These programmes are numerous and varied and I would not be able to give specifics on every single one. To mention a few, however, with respect to what the hon. Member terms "head", the Ministry of Education has instituted pilot projects in maths and language arts for national programmes in primary schools to address the problems of ennumeracy and illiteracy. Teachers at both primary and secondary levels have been and are being specially trained in delivering a social and moral programme. Thirty-five (35) post-primary centres have been established. I would repeat that for some Members opposite—35 post-primary centres have been established. National Examination Council craft courses have been offered as part-time evening classes and other education centres offer both school-leaving courses and introductory occupation courses. We will now change these adult classes to life-long training. We are moving forward, Mr. Speaker. These are just to name a few of what is taking place in the Ministry of Education, headed by our dynamic Minister.

With respect to hands, the Ministry of Social Development through its micro-enterprise and training and development programme, provides grants for the establishment of micro-enterprises and training for eligible probationers, public assistance recipients and other needy persons so as to increase their employability. The national apprentice system, under the auspices of the Ministry of Education, focuses on youth employment and skills training. Also the Export Centres Programme of the Ministry of Community Development, Culture and Women's

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Affairs targets unemployed female heads of households for advanced training in the production of high quality exportable items. Mr. Speaker, as the Members opposite listen to what I have just outlined and I will continue to do so, in this Government each Minister knows what the other is doing and as we move on we are going to collaborate to ensure that we do not do what each other is doing but supplement each other.

Under the front of “heart”—and not “Eddie”—this Government continues to support Non-Governmental Organizations and community-based organizations in their efforts of poverty eradication and crime prevention. Organizations such as Lifeline and the Child Welfare League should, as far as possible, continue to receive financial assistance. The Community Centre Enhancement Programme which seeks to address the educational and social needs of youths in various communities, the Neighbourhood Watch Programme, as well as youth clubs managed by members of the police service on a voluntary basis, are all part of the community-led fight for crime prevention.

The National Alcohol and Drug Abuse Prevention Programme (NADAPP) has implemented a school extra-curricular activity programme, a part of which includes providing useful information on drug and alcohol abuse and prevention to both teachers and students. The remedial therapy programme for probationers and their parents has also started. The aim of this programme is not only to rehabilitate the offender but to build on and strengthen family relationships by providing a much needed forum for discussion and interaction between probationers and their parents.

In 1995, sessions were conducted in seven areas throughout Trinidad and Tobago with an average monthly attendance of 200 persons. In 1996, three additional areas were brought on stream. The programme has met with much success but the wider community is now able to participate. Yet another venture of crime prevention being pursued by the Ministry of Social Development is the establishment of a halfway house for young persons leaving institutions. Most of these persons who have no place to live, no family to turn to and no visible means of support end up on the streets and fall into a life of crime.

Mr. Speaker, unlike the previous administration, we appreciate there are street children and we are moving to assist them. The halfway house is meant to give them some breathing space and help them “find their feet”.

**Mr. Valley:** Mr. Speaker, if the hon. Member would give way. Let me thank the Minister most graciously. While we appreciate the measures after the fact, I wonder whether the Minister can outline the measures the Government intends to

institute—especially given the scope for street children—for those children who were not placed after Common Entrance, 50 per cent of whom would not have a second chance. Could you please tell us what you—

**6.15 p.m.**

**Hon. M. Ramsaran:** Mr. Speaker, if this Government did not have the political will, the economic pie would not have been divided so as to be able to provide financial support for families in distress through the Public Assistance and Necessitous Persons Grants, food hampers and meals through SHARE. I would like to announce that we have opened a centre for street children on Nelson Street, Port of Spain. To answer your question, I have already held talks with the hon. Minister of Education and we are going to set up NGOs, once they come and present their programmes, to help those children who have failed the Common Entrance Examination.

I appreciate it and said it elsewhere, that the children who failed the Common Entrance Examination today, if not given the chance, could possibly be the criminals of the future. As a minister in this Government and minister responsible for social development, I would take any advice you have and once we can implement it I pray that we will implement it.

Mr. Speaker, today, July 11, 1997 is World Population Day. I just want to read into the records that the Ministry of Social Development, after extensive consultation throughout the country, has finalized the population policy which has been laid in Parliament—A Population Policy for Trinidad and Tobago. The policy rests on two main pillars—education and family life. We are of the view, if these are properly addressed, most of the problems that confront us such as poverty, teenage pregnancy, and crime, to name a few, would be greatly reduced.

The policy has identified specific demographic goals as well as other sub-population goals with respect to one of its demographics. The country is well on its way to reducing fertility rates to the replacement level—that is a total fertility rate of 2.1 by the year 2000, and with it, the goal of having a population not to exceed 1.5 million by that time. With programmes such as CHOICES aimed at postponing births by young mothers through education and training programmes, the number of births to teenage girls would be greatly reduced.

In order to improve the database and understand the various phenomena that impact negatively on sub-populations, studies have been undertaken by the Ministry of Social Development and the Population Council. These include two recently concluded studies—one aimed at understanding the reason for the high

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dropout rate at government-run family planning clinics, and another which looked at factors which influence teenage pregnancy.

I heard the word “preventive” on the other side and I will like to announce to this honourable House that this is what we mean by “preventive”.

Two other studies have been earmarked for 1997 aimed at improving the databases on sub-populations in order to better understand them and thereby make better decisions. The first of these studies is that of the returned migrant. This phenomenon which started in the middle of late 1980s is likely to increase in the years ahead for various reasons.

One of them is the fact that many nationals who left for the metropolitan countries have now reached or are nearing the age of retirement and now prefer to live in warmer climates. The second group of returned migrants include those who have studied abroad and gained some work experience and now wish to return. The return of either group in large numbers, has many social and economic implications. It is important for us to understand the extent to which this is happening.

Mr. Speaker, the Ministry of Social Development is not only reactive but also proactive. Before I get to particulars of this Bill before this House, I should note that the explanatory note, unfortunately, was not simultaneously amended to reflect the amendments agreed to in the other place. Thus the note should read:

“Clause 23 provides for the extension of the life of a community service order.

Clause 24 empowers the court to impose a combination order.

Clause 25 provides for a cause of completion of community service.

Clause 26 allows for the notification of the conviction for the first-time offenders.

Clause 27 empowers the minister to make regulations, and

Clause 28 allows for the amendment of the schedule by order.”

As the hon. Attorney General and Member for Couva South mentioned, clause 3 has been amended to reflect the inclusion of the inchoate offences as well. The amendment had been circulated a while ago. The hon. Member for Laventille East/Morvant wanted to know the rationale for this Bill. If the hon. Member had been listening, as he is now, when I introduced this Bill in this honourable House he



would have heard me say that not only are our prisons overcrowded but also that our sentencing policies should include elements of reparation to society and rehabilitation of the offender. This Bill is about mercy which was mentioned on the opposite side. It is about rehabilitation otherwise a convicted offender would go straight to jail.

I took with a sense of pride, that I was mentioned as a cricketer sometimes, and one knows when a batsman, especially of the calibre of Brian Lara, gets dropped on nought, the opposing team has to look out—that is because he got a second chance. We do hope that by giving our youths and first-time offenders that second chance we expect them to be better citizens.

While I am on the topic of youth, there is contradiction that I would like to point out. Mr. Speaker, the Member for La Brea referred to our nation as dying breed that is weak. The Member for Toco/Manzanilla talked about big robust youths with energy. I do not know why we have this contradiction.

**Mr. Bereaux:** I think I have been misquoted. I was referring, hon. Minister, to the youths in a particular area where the people are noted for their strength and I said a certain situation existed.

**Hon. M. Ramsaran:** You got away.

Mr. Speaker, first-time offenders would also get a chance to wipe their slates clean. Whether their records become null and void or are expunged would be debated later, maybe at the committee stage. In terms of how community service orders would fit into our current penal system, this honourable House should remember that community service orders are simply alternatives to incarceration. All sentencing options would remain the same.

The hon. Member for Arouca South, who is not present, clearly has a problem with the concept of combining suspended sentencing and community service and took pains to point out the English position on these two concepts. This Bill, however, is not convoluted and confused in drafting as that Member seems to think but a deliberate move to create a hybrid form of sentencing. Contrary to what the Member for Arouca South might feel, this country is not obliged to follow English legislation. As an independent nation, we can create legislation best suited for ourselves.

Mr. Speaker, this Government has gone the way of a hybrid to be able to incorporate two things. The first is that the offender and the rest of society must

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know that if an offence warrants a custodial sentence, one would be imposed. On the other hand, the offender would be able to avoid the physical reality of prison entirely, if he agrees to and successfully completes a term of community service. Being on the outside also means that he would have the opportunity to participate in and benefit from rehabilitation and counselling programmes.

**6.25 p.m.**

The Member for Arouca South also clearly does not appreciate the difference between supervision under the probation order and supervision as proposed during the life of a community service order. The former could entail strict conditions as to residence, curfew hours, attendance for counselling, period reporting, and so forth, whereas supervision under the community service order means ensuring that the stipulated work is accomplished. The drafting of clause 24 is therefore neither superfluous nor incorrect.

The Member for St. Ann's East wondered whether someone performing community service could still be gainfully employed elsewhere. As the Member would note, clause 2 of the Bill seeks to avoid any clashes between an offender's work/school hours and the performance of community service. The Member for Arouca North also wondered whether we would use community service to take away the work from local government workers and give it to community service. I hope what I just said would clear that up.

An exact cost of the community service scheme is not obviously available at this time, but in no circumstance will it be \$60,000 per offender annually, as quoted by Vivian Stern. The whole premise of the scheme is the involvement of the community.

The probation department of the Ministry of Social Development is more than willing and would be able to take on the responsibility that community services would entail. At the moment, the duties and responsibilities of the probation department have been streamlined so that probation officers would be dealing with what they are meant to, that is rehabilitation of offenders who have not been incarcerated and who require the supervision and guidance of a probation officer. The responsibilities which would come with the introduction of community service orders would be in keeping with this streamlined task focus. The probation department would also be enlarged to cope with the anticipated volume of work.

To assist the probation department with its mammoth task, probation committees would be formed, made up of district probation officers, members of

the magistracy, community leaders and the business community. These persons from among the community would, in effect, be volunteers who would receive a small stipend and perhaps a travel allowance. There would be no small fat salaries involved. These probation committees would be set up in the various counties so that a list of projects would be compiled by the communities for their own counties and districts. They would know what projects would be available in their areas.

Offenders, therefore, should not have to go outside of their own communities to perform community service. Similarly, the use of probation volunteers means just that, persons who have volunteered their time to aid probation officers in the supervision of offenders while in the performance of community service. In this way, the community, as a whole, could be involved in the rehabilitation of the offender. I would like to repeat that: In this way, the community, as a whole, could be involved in the rehabilitation of the offender.

The Member for Arouca South wanted to know where these volunteers would come from; who would train them; what would be the extent of their training and how would they fit into the existing penal system. Volunteers, as previously stated, would be drawn from among community leaders, religious leaders or retired public servants of good standing within each district. Training would be done under the guidance of the probation department. The exact length of the training programme has not yet been determined. Volunteers would only be used in very low-risk cases and only for the actual physical supervision of an offender performing his community service. Volunteers would not be providing counselling or therapy, nor are they planned for use in any other area of our penal system.

The Community Service Orders Bill is the start of a programme of related legislation. It is a small step. The Community Mediation Bill, which was mentioned by the Member for Couva South, will soon be out for public comment and the Community Service for Juveniles has been considered by the committee looking at legislation relating to children. As for weekend custody, parole and suspended sentences on its own, further deliberations must first take place.

Any time the Minister of Sport and Youth Affairs gets up to speak, she is attacked on the other side about the bad performance of our football and cricket teams, but the headline at the back page of one of our newspapers stated, "Trinidad and Tobago slams Jamaica" and not one word was said. I would like to congratulate our team and our Minister of Sport and Youth Affairs.

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When the Minister of Sport and Youth Affairs started with these swimming pools, they were described as two holes; now we have brand new swimming pools. The Member for Arouca North ranted and raved about URP being a social programme. If we really based our social development policy around that programme—I say no more. In the Ministry of Social Development we have many and varied social programmes in place, both preventative and pro-active, to ensure that the people, especially young persons, are treated and moulded properly.

Then we have a confession by the Member for Arouca North. He said the years between 1986—1991 provided the criminals of today. Are our criminals now 10 years old? That Member must apologize to the nation for saying members opposite are rearing criminals, because criminals of today were reared, not between 1986—1991, but previously. So the Members opposite must talk to the Member for Arouca North about letting out their secrets.

The Member for Toco/Manzanilla made one statement which I do hope he would retract one of these days. He cannot speak about our women like that under the protection of Parliament, because I do not think that is fair to any woman. He said, “some”, but I do not think any woman would stand for that, especially if it cannot be proven.

**Mr. Boynes:** Do you know that in some constituencies, for instance, some of the young girls are attracted to the excitement of some of the persons who are involved in crime and criminal activities?

**Hon. M. Ramsaran:** Mr. Speaker, I am not very versed in that and I think the Member for Toco/Manzanilla has disappointed us. I do hope that the young women of our country do not take him seriously. Young women should look for men who are forthright, objective and talented as the Member for Toco/Manzanilla and not for men with two or three criminal records.

I would like to thank all those who assisted in preparing this Bill and to let them know that this is a new concept. I would also like to thank them for listening to the debate and supporting us. I would like to thank those opposite for supporting the Bill and I do know that their hearts, with a lot of push, could move in the right direction.

I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

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**6.35 p.m.**

*House in committee.*

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

*Clause 3.*

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

**Mr. Ramsaran:** Mr. Chairman, I propose that clause 3 be amended as follows:

“Insert after the word ‘offence’ occurring in subclause (3) the words ‘or an attempt to commit an offence’.”

*Question put and agreed to.*

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

*Clauses 4 to 28 ordered to stand part of the Bill.*

*Schedule 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 amendment; read the third time and passed.*

#### ADJOURNMENT

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I beg to move that the House do now adjourn to Tuesday, July 15, 1997 at 1.30 p.m. when it is already agreed that the House will debate the Public Officials (Extension of Service) Bill, 1997. The Government expects to take the Bill through all its stages on that day, so I give notice accordingly.

Also on that day we would debate Bill No. 2 on the Order Paper, the Animal (Diseases and Importation) (Amdt.) Bill, Chap. 67:02.

**Mr. Speaker:** Hon. Members, before I put the question, I wish to indicate that leave has been given to the Member for Tunapuna to raise a matter on the Motion for the Adjournment.

**National Steel Orchestra  
(Pan Trinbago's Non-Investment)**

**Mr. Edward Hart** (*Tunapuna*): Mr. Speaker, I rise to move a Motion on the Adjournment which raises the issue of Government's lack of consultation with Pan Trinbago on the issue of the national steel orchestra and Government's unwillingness to settle outstanding financial matters relating to Pan Trinbago.

Mr. Speaker, permit me to wear two hats this afternoon, one as a Member of Parliament, the second, as a practising pianist. [*Desk thumping*]. I joined the steelband movement as a teenager and we all know that presently, the steelpan is our national instrument. The struggle has been a long one for steelbandmen and it still continues. The steelband has come a long way and right now we have steelbands all over the world performing in many of the great concert halls. A wide cross section of people now take part in the steelband movement, unlike previously when the steelpan was considered an outcast instrument. There are doctors, lawyers, masons, carpenters, and many youngsters who are presently unemployed, taking part in the steelband movement. Mr. Speaker, the facts are that in July, 1990, the then Prime Minister, who is now the President of this nation, announced, in Parliament, a grant of \$7.5 million to the steelband movement with funds obtained from the Tesoro settlement. That was followed by a function at the Central Bank Auditorium, at which I was present, where whisky and champagne flowed like water. I left the function early because I felt it was just merely lip-service—and the Member for Tobago West was part of that Cabinet. Mr. Speaker, so said so done. That administration demitted office without giving Pan Trinbago one black cent.

Mr. Speaker, Pan Trinbago presented a proposal for the use of the funds and the undermentioned boards were set up towards a proper administration of same, headed by some highly respected gentlemen: Mr. Clary Ben, Chairman, Investment Board; Mr. Reginald Dumas, Chairman, Foundation Board; Mr. Carlos Young, Industrialization Board and Prof. Max Richards, School of Music.

**6.45 p.m.**

In 1993, Pan Trinbago was given the sum of \$3.5 million by the Manning administration to be used for investment and documentation of the history of the movement. Bear in mind it was not the Manning administration that promised the money. However, \$3 million was given for investment and \$0.5 million for documentation of the history of the movement. We were informed that the remaining sum was placed in an interest bearing account at the Central Bank.

**Mr. Panday:** In whose name?

**Mr. E. Hart:** The present Prime Minister, the Member for Couva North, is in charge. I expect the Member for Couva North to pick a fight because this is his usual style. He was responsible for the destruction of the Panbeam Steel Orchestra's pan tent in Couva.

Pan Trinbago would be grateful if the remaining sum would be released to carry on with the implementation of the proposed projects. I want the Member for Couva North to know that he is sitting in the Twin Towers like Humpty Dumpty. The site of the said Twin Towers was the panyard Neal and Massy All Stars occupied for 10 years, from 1970—1980.

With regard to moneys owed to Pan Trinbago from the National Carnival Commission, here is a breakdown. For Panorama a sum of \$100,000 is owed. It entails quite a lot for a steelband to get to the savannah for the Panorama competition. I do not have the time to go into the details. It takes much team work and effort to get welders, tuners, arrangers, paint, and blending of instruments. The young panmen and panwomen burn the midnight oil, some without transportation fees and money to buy a meal during the course of the night. This is what it entails to get to the savannah.

A sum of \$750,000 is owed for transport to Panorama. The steelband is cumbersome and we have to hire trucks to bring bands from all over the country to the savannah. These people are owed their moneys and soon it would be carnival again. How would we go back to these people to ask them for their said trucks?

For on the road competition, a sum of \$500,000 is owed. For prize distribution, \$30,000 for traditional steelbands junior carnival parade, that is where members of the pan-around-the-neck accompany the youngsters. The Member for Point Fortin had a band on the road this year. He took part and he should know. When this Member was at Howard University he played the steelband part time to "make a lil change". He knows about steelband. I cannot understand how he can sit there quietly like the little dumb boy and say nothing. He reminds me of the story of the spider and the fly. Said the spider to the fly, "Would you come into my parlour?" Now he has gone into the parlour he could say nothing. He is just window dressing sitting in front there and saying nothing. He is a minister of nothing and is not in the Cabinet.

Pan Trinbago would like to get their moneys now! This Prime Minister gave the people of Guyana the impression that where money is concerned, all is well in

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Trinidad and Tobago. Milk and honey is flowing here and everything is honky dory. You have some money for us, that is no big thing. Keep it! He wrote off a debt of \$2 billion for the people of Guyana. He has put aside \$3 million for the formation of the national steelband and spent an exorbitant sum of money to paint two water tanks. This is how they operate. The steelbandmen cannot get one cent!

Pan Trinbago was called to a meeting with the Minister of Community Development, Culture and Women's Affairs in January, 1997. The Minister informed them that provisions were made *via* the 1997 budget for the setting up of a national steel orchestra. Pan Trinbago has asked to present a proposal for the start up of the National Steel Orchestra. To date, over five meetings were held with the Minister of Community Development, Culture and Women's Affairs. The proposal was presented.

Pan Trinbago met and this document was fine-tuned before its submission to Cabinet. However, on its presentation, decisions were arrived at to change same. The Minister of Public Administration and Information, a man who never shook a "shac-shac" and was never involved in steelband was given the job to inform the nation of the Government's decision to have a 30-member orchestra. While he quoted from the proposal presented by Pan Trinbago, he informed the working journalists that Pan Trinbago had nothing and would have nothing to do with this orchestra.

Cabinet agreed to the setting up of a board to administer the national steelband. Can the Government set up a board to administer the national soccer team, a national netball team or any other national entity which should be administered by the non-governmental agencies? Who are the people to determine who would tune the instruments? Who knows the tuners in Trinidad and Tobago for the sweetest sounding tenors? Is it Lincoln Noel, Noel Coker or Bertie Fraser? Who would tune the base? Is it Kelvin St. Rose? Who would tune the cello pans? Is it the Member for Tobago East who is suddenly speaking about steelband? We have to look at these things. At present the national steelband is not a priority. The Government is claiming that it would launch this on Independence Day. Mr. Speaker, they do not know about the availability of drums. At present, the drums in the country are not conducive for tuning good instruments. This is utter madness!

With regard to consideration for the establishment of a national steelband, the proposals, scope and selection of members were worked out. There were trainees, the role of a national steel orchestra, strategic alliances, funding, and the promotion of Trinidad and Tobago abroad.



Let me read part of the scope for your edification. It states:

“A national steel orchestra must first of all be national in scope. As such, it should be to the extent possible, representative of the national cultural mosaic, that is Trinidad and Tobago.

A pendum to consideration for the establishment of a national steel orchestra...”

*[Interruption]* I expect you to make noise because I have never seen you around a steelband. You cannot even jump up to steelband music. This is no jig reel. We are talking about steelband. While you are making noise, Desperadoes left here to perform in Barbados with a symphony orchestra, with Parvarotti. *[Desk thumping]* It would not make sense for the Member because she does not know what he is saying. He is only making a lot of noise. He is an Independent now, and the *Independent* has gone down to 50 cents. *[Laughter]* He is nowhere. He is on shifting sand. He has nobody to support him.

For eligibility, persons must be no younger than 18 years of age. The manner of selection is important. This is by invitation, audition, interview, processing of application and communications.

Selection consists of two Pan Trinbago representatives, one representative from the Creative Arts Centre, one from the Ministry of Community Development, Culture and Women’s Affairs and one representative from the Ministry of Education. Invitations have already been sent out to all member bands for two selectees and the names are to be submitted.

Lo and behold we read in the newspapers where the Minister of Public Administration and Information said that Pan Trinbago has a monopoly on steelbands. I want to know if there is some sinister motive to have a splinter movement as they have done with the calypsonians. They attempted to do it with trade unions and village councils. That is their role.

Pan Trinbago needs the money and they need it now! There is too much talk and beating around the bush. They are going from ministry to ministry. The *modus operandi* is that they started off by firing all the Afro Trinidadian chief executive officers. They started off with Malcolm Jones, Henry Sealey, Marilyn Gordon and Major Brown, going down the line. The latest calamity is the Chairman of the National Carnival Commission, Mr. Roy Augustus.

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**6.55 p.m**

Mr. Speaker, we hope that this Government without a human face will see it fit, because I know they do not care about the steelband, it is just a lot of lip-service. When steelbands have to play at functions, or at public fetes, instead of dealing with Pan Trinbago, they deal with the Minister of Public Administration and Information. This is wrong. When one wants to know about pan, one has to go to Pan Trinbago, it is the governing body and one must have respect for it.

Sen. Wade Mark was a trade unionist, and the Member for Couva North, the first Prime Minister in the world who is on no-pay leave, was a trade unionist himself, so they must know that the proper procedure is to deal with Pan Trinbago. The Member for Couva North always says if he and a lion are fighting, one should feel sorry for the lion, he is picking fights all about, but Pan Trinbago does not want any fight. They march in the streets in peace, so I am putting it to you, Mr. Speaker, that Pan Trinbago needs the money now and we await a reply from the Minister.

Thank you.

**The Minister of Community Development, Culture and Women's Affairs (Sen. Dr. The Hon. Daphne Phillips):** Mr. Speaker, I shall read the statement of the Motion again which says, "Government's lack of consultation with Pan Trinbago on the issue of the national steel orchestra and Government's unwillingness to settle outstanding financial matters relating to Pan Trinbago."

You will note that the Motion is structured in two parts; the first part talks about a lack of consultation with Pan Trinbago on the issue of the national steel orchestra. That statement seems to me to be based on an assumption that this Government, through the Ministry of Community Development, Culture and Women's Affairs, did not meet, discuss or collaborate with Pan Trinbago on matters relating to the formation of the national steel orchestra.

Mr. Speaker, I shall identify in some detail the various meetings and interactions between this Minister and Pan Trinbago over this particular issue. Members of the House will recall that it was in the 1996 Budget presentation and debate that this Government introduced the idea of the national steel orchestra to be created in 1997. It was introduced as a package among a large range of items which were carried out for the enhancement of the steel instrument and for the members of the steelband themselves.

I shall outline the number of meetings which took place in addressing the statement made that the Government did not consult with Pan Trinbago. The Budget was read and the promises of the formation of the national steel orchestra were done in December 1996, the first meeting with Pan Trinbago on this matter was on January 7, 1997 just after the turn of the new year; this Minister of Community Development, Culture and Women's Affairs met with Pan Trinbago and, by then, there was a new board which came into office and the item of the national steel orchestra was introduced.

The second meeting was called on January 22, 1997, but it was not formalised because, by then, Pan Trinbago as well as all the other related carnival bodies were engaged in carnival activities for the 1997 carnival which took place on February 10 and 11 in 1997, and, as you know, many weeks are put into preparation for this festival.

The next meeting called for Pan Trinbago to discuss this matter was on February 26, 1997. That meeting was held and discussions took place. Then we had meetings scheduled for March 27; April 3; and April 9. There was another meeting with TUCO which is the carnival organization and NCBA, the mas organization, and these meetings were held in relation to carnival matters.

On May 14, 1997 we had another meeting relating to carnival matters and the steel orchestra. On May 21, 1997 there was another meeting. On June 9, there was a meeting relating to changes in carnival and the steel orchestra. On June 23, 1997, there was another meeting relating to the carnival budget. The final meeting, so far, was on July 4, 1997 when we talked exclusively about the national steel orchestra.

**Mr. Assam:** Shame on you Eddie, you should apologise for totally misleading the House. Shame!

**Dr. The Hon. D. Phillips:** So the statement that there was lack of consultation with Pan Trinbago on the issue of the national steel orchestra is totally false, it does not coincide with the facts—

**Mr. Bereaux:** Wade Mark coincides with you?

**Dr. The Hon. D. Phillips:** The facts are that there were on-going meetings and consultation and we came up with a plan in the form of a document which had the full input of Pan Trinbago. Over that period I just identified, we had a total of 11 meetings called, two had to be cancelled, and a total of six of these

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meetings dealt with the national steel orchestra, so we had at least an average of one meeting per month over that period.

In my view, and based on these facts, the statement is totally ill-founded, untenable and misleading, indeed it is mischievous and is probably based on some degree of ignorance of what was happening between Pan Trinbago and the ministry.

I go to the second part of the statement which says Government's unwillingness to settle outstanding financial matters relating to Pan Trinbago. When I entered office, there were endless debts by the National Carnival Commission (NCC) and as you know, NCC releases funds to Pan Trinbago and other carnival organizations. We have been able over the time that we have been in office to clear all outstanding debts of the NCC and we are still now working on clearing debts relating to Carifesta V which was held in 1992. So the 1992 Carifesta debts are still being looked at by Cabinet.

**7.05 p.m.**

The releases so far for National Carnival Commission to the end of June, 1997 totalled \$7,356,200.00. Of this amount, Pan Trinbago received a total sum of \$2,695,562.00. *[Interruption]*

**Mr. Speaker:** Hon. Members, could we have a little quiet while this is being presented?

**Dr. The Hon. D. Phillips:** From 1997 to date, Pan Trinbago received a total of \$2,695,562.00, I shall outline in detail exactly how this money was used. There is an institution called PANVESCO created under a board set up between the years 1991—1993 to which a total of \$472,210.00 was paid by National Carnival Commission. Assistance was given to steelbands in 1997 totalling \$736,448.00. The National Carnival Commission got money for prizes in the sum of 480,899.00. All these moneys were paid to Pan Trinbago. Pan Trinbago also got a compensation which was a percentage of the prize money, of \$216,601.00. They also got appearance fees for bands, of \$259,851.00.

Members of Pan Trinbago got travelling allowances and subsistence, of \$36,288.00. The officers of Pan Trinbago got salaries of \$83,779.00 and the workers got wages of \$50,243.00. There was accommodation for the Tobago contingent in relation to activities for carnival in the sum of \$86,559.00. In addition, in 1997, the National Carnival Commission paid to Pan Trinbago the sum of \$8,000.00 for the previous year.

Fees for disc jockeys, security, stage, portable toilets and so forth, for Pan Trinbago was in the sum of \$211,000.00. Insurance for Pan Trinbago was in the sum of \$8,000. Transport for Pan Trinbago was in the sum of \$20,256.00, freight \$10,172.00 and contingencies and miscellaneous items \$15,255.00. A total, therefore, of \$2,695,562.00 was given to Pan Trinbago.

The commitments which are still outstanding for 1997 are approximately \$700,000 for transport, \$100,000 for wages and \$200,000 for prizes. In one of these areas, however, in relation to the Pan-on-the-Road competition, there is now a dispute between Pan Trinbago and the members of the six bands which were in this competition. That dispute is still being worked out through the National Carnival Commission and the Ministry of Community Development, Culture and Women's Affairs. That dispute, however, prevents the moneys from being paid.

In the light of financial constraints, Mr. Speaker, we are now actively working on in fact, we have already gotten the approval for \$2.5 million to be released to the National Carnival Commission, of which some of these outstanding commitments for wages and transport are scheduled to be paid and Pan Trinbago knows this. In our several discussions with Pan Trinbago we talked about this and we know that Pan Trinbago knows that we are working on getting this money for them for wages and transport.

The notion of the unwillingness to settle outstanding financial matters does not hold because we have settled those we found. We have no back payments for Pan Trinbago except for this year and we are working actively, at this moment, on getting those moneys for them.

On the issue of the money that is owing: we came into office in 1995 and we understood that there was some arrangement and agreement that Pan Trinbago would get a \$7.5 million; this was promised by the NAR government in 1990, out of a settlement of the Tesoro matter which, I think, was around the sum of \$86 million. Pan Trinbago, I understand, was allocated \$3.5 million out of the sum of \$7.5 million. Pan Trinbago was promised the remaining \$4 million on settlement of the Tesoro matter. These are matters that were taking place before we came into office. *[Interruption]* They got the sum of \$3.5 million of the \$7.5 million and therefore Pan Trinbago claims \$4 million is still owing to them.

When we came into office we were faced by this claim of Pan Trinbago that they were owed \$4 million. We understood and we were told that the money was in a separate account somewhere. We tried to find the money—*[Interruption]*

**7.15 p.m.**

**Mr. Speaker:** Excuse me. Hon. Members, the procedure on this type of matter is that one Member is able to raise and another Member is able to respond. It makes nonsense of the exercise, if, when the hon. Member is replying Members are speaking and shouting things across the table. I ask you, please, let us hear the hon. Minister. There would be times again when you could raise all sorts of issues. That is the orderly way in which it should be done.

**Dr. The Hon. D. Phillips:** Thank you very much, Mr. Speaker. I am very grateful because I am not accustomed to being in a House where one is not allowed to say what one has to say. I am accustomed to being in a dignified atmosphere and, therefore—*[Interruption]*

**Mr. Maharaj:** No, no, she is entitled to be here. *[Interruption]*

**Mr. Speaker:** The Member for San Fernando East is out of order to say to the Minister that she must behave when she comes here.

**Hon. Member:** Put him out!

**Mr. Speaker:** You just said it and I heard and that is not right. The whole point is that I am saying that I heard that. If it was something you were whispering to somebody, that is understandable, but those things are just not done. For the sake of the record let us just get one thing clear. Our Constitution makes it quite clear that Ministers, whether they be PNM Ministers, NAR Ministers, UNC Ministers or else, have a right to speak in either House. It is quite impertinent to suggest to a Minister from the Senate who comes to this House that he or she does not have any business here. Please.

**Dr. The Hon. D. Phillips:** Thank you, Mr. Speaker. When I came into office, there was a claim that \$7.5 million was promised; \$3.5 million was given and \$4 million was owing. We tried to find this money by all means. We wrote letters; we made several telephone calls; we did everything. *[Interruption]*

*[The Member for San Fernando East stood.]*

**Mr. Maharaj:** No, no, do not give way.

**Mr. Speaker:** Could we have order, please!

**Dr. The Hon. D. Phillips:** I am not prepared to give way.

**Mr. Speaker:** Order please! I do not have to remind the hon. Member for San Fernando East that the procedure he just tried to use was one in which it is entirely

up to the Minister whether she would give way. She is entitled not to give way and to continue with her contribution.

**Dr. The Hon. D. Phillips:** Mr. Speaker, we cannot find the money. We have looked, we have written, we have asked and we cannot find the money. I understand that it was recently reported in the press by the Leader of the Opposition and Member for San Fernando East in reference to this matter, that a sum of \$10 million is in an account for Pan Trinbago and that the Member knows where it is.

I would like to ask, therefore, if the Member, or any Member, knows where the money owed to Pan Trinbago by a promise is, to let us know.

*[The Member for San Fernando East stood.]*

**Mr. Maharaj:** No, do not give way.

**Dr. The Hon. D. Phillips:** Mr. Speaker, if the PNM knows where the money is, why did they not give Pan Trinbago its money? *[Desk thumping]* Is the money in Panama? *[Laughter]* Is the money in an account of O'Halloran—*[Crosstalk]*

**Mr. Speaker:** Hon. Members, I want to promise you that if we have a repeat of that, the House would be suspended for a while. *[Desk thumping]*

**Dr. The Hon. D. Phillips:** Mr. Speaker, thank you. If the Member for San Fernando East or any one knows where the money is, we want to know. *[Crosstalk]* *[Interruption]*

*[The Member for San Fernando East stood.]*

**Mr. Speaker:** Surely, if the hon. Minister is not giving way, the Member must take his seat. Could the hon. Minister please proceed?

**Dr. The Hon. D. Phillips:** Mr. Speaker, I want to suggest that, really, it is not this Government that is unwilling to settle outstanding financial matters, it is the PNM government that owes Pan Trinbago this \$4 million, or whatever, and did not pay it.

There is one other question I would like to ask: If it is that \$4 million, out of \$7.5 million, was owing to Pan Trinbago, how is it now that it has reached \$10 million? The statement says that it is \$10 million. If it is that this has increased because of an interest rate, I would really like to know which bank it is in and what kind of interest rate it is receiving.

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Mr. Speaker, the two sides of the Motion, that we have not had consultation, is certainly against the facts of the amount of consultation we had, and the statement about the unwillingness to pay, we have shown that we are willing, we are working on it, and, therefore, it is a frivolous Motion. [*Desk thumping*]

*Question put and agreed.*

*House adjourned accordingly.*

*Adjourned at 7.25 p.m.*