**HOUSE OF REPRESENTATIVES**

*Friday, May 15, 1998*

The House met at 1.33 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 five Members of this House who have asked to be excused from today's sitting. Leave of absence is granted to them, and they are the Member for Fyzabad, the Member for St. Joseph, the Member for San Fernando West, the Member for Naparima and the Member for La Brea.

**WELCOME**

**Mr. Speaker:** I also wish to advise hon. Members that we are privileged today to have seated in the distinguished persons' gallery, a very distinguished Member of the Parliament from South Africa, who is in Trinidad for a workshop on mechanisms of international criminal justice. He is the Hon. Dulah Omah, the Minister of Justice of South Africa and I am sure that you would want me to welcome him to this Parliament. [*Desk thumping*]

**PAPERS LAID**

1. Report of the Auditor General on the accounts of the Government Employees' Provident Fund for the year ended December 31, 1994. [*The Attorney General (Hon. Ramesh L. Maharaj)*]

2. Report of the Auditor General on the accounts of the Government Employees' Provident Fund for the year ended December 31, 1995. [*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, I beg to move that questions Nos. 71 and 72 be deferred for a period of two weeks.

*The following questions stood on the Order Paper in the name of Mr. Colm Imbert (Diego Martin East)::*

**Birk-Hillman**
**(Termination of Contract)**

**71.** (a) Is the Government aware that the termination clause in the contract between Birk-Hillman and the Airports Authority for the design and project management of the Piarco Airport Development Project allows for termination of the contract at any time without any financial penalty?

(b) Is the Government aware that evidence was submitted during the Deyalsingh investigation which indicated that Birk-Hillman had misrepresented its experience record with regard to the design and/or supervision of construction of airports?

(c) If the answer to parts (a) or (b) is in the affirmative, could the Minister state why the Birk-Hillman contract has not been terminated?

**Piarco Airport Development Project**
**Performance Bond**

**72.** (a) Is the Minister of Finance and Minister of Tourism aware that the present Chairman of National Insurance Property Development Company Limited. (NIPDEC) promoted Birk-Hillman as the consultants for the Maritime Financial Group in presentations made during the tender evaluation exercises for the Piarco Airport Development Project during the 1992—1995 period?

(b) Is the Minister aware that the Maritime Financial Group provided the Northern/Yorke/Coosals (NYC) Consortium with an unprecedented 100 per cent Performance Bond in the sum of over $200 million for its tender for the Terminal Building in the Piarco Airport Development Project?

(c) Is the Minister aware that this unprecedented 100 per cent Performance Bond was not requested in the tender documents?

(d) Is the Minister aware that the unprecedented 100 per cent Performance Bond was used as a basis to award the contract to the NYC Consortium for the Terminal Building, despite the fact that the NYC Consortium did not rank as highly as other tenderers in other important areas of the tender evaluation exercise?

(e) If the answer to parts (a), (b), (c) or (d) is in the affirmative, does the Minister still believe that the present Chairman of NIPDEC, who is a senior official of the Maritime Financial Group, is not in a conflict of interest situation in the present negotiations with Birk-Hillman and the NYC Consortium for contracts on the Piarco Airport Development Project?

*Questions, by leave, deferred.*

**Airports Authority**
**(Foreign Business)**

**43. Mr. Patrick Manning** *(San Fernando East)* asked the hon. Minister of Works and Transport:

Would the Minister indicate:

(a) whether the Airports Authority of Trinidad and Tobago conducts any business in Canada, and if so, what is the nature of the business conducted?

(b) whether any particular staff member of the Authority is assigned the responsibility for conducting such business on behalf of the Authority, and if so, the name of this person?

(c) the number of occasions since January 1996 on which staff of the Authority have travelled to Canada in pursuit of legitimate Authority business and the dates of departure from and return to Trinidad and Tobago of such person(s)?

**The Minister of Works and Transport (Sen. The Hon. Sadiq Baksh):** Mr. Speaker, in response to the question posed by the Leader of the Opposition, please allow me to advise this honourable House of the following:

In response to part (a), yes, the Airports Authority of Trinidad and Tobago conducts business in Canada. The nature of the business conducted is basically training in the following areas:

- Airport security
- Equipment
- System
- Civil aviation
- Airport operations.

Additionally, the Authority orders all of its runway lighting spares from Canada.

In response to part (b), no particular member of staff is assigned the responsibility of conducting the business on behalf of the Authority. Normally the person under whose portfolio the particular topic falls would attend the various training courses and seminars or purchase the relevant spare parts or visit plants manufacturing such spare parts.

With regard to part (c), on occasions, members of the staff of the Airports Authority are required to travel in the performance of their duty. The periods of travel undertaken to date, included visits to Canada in pursuit of legitimate Authority's business during the period 1996 to present. In this regard, it should be noted that the Airports Authority has provided the following information inclusive of all Canadian visits from 1996, as an indication of the levels of travel undertaken by staff of the Authority during the period 1995 to present.

Mr. Speaker, under the chairmanship of the Mr. Richard Jackman during the period February 2, 1995 to October 4, 1996:

| NAME | DATE | PLACE | REASON |
|---|---|---|---|
| Hazel Manning | 11/2—11/3/95 | London | Personal |
| Glenda Morean | 17/2—19/2/95 | Miami | Personal |
| Nancy Jackman | 26/2—2/3/95 | Miami | Personal |
| Delores Hendy | 22/4—28/4/95 | Miami | Personal |
| Wayne Lee | 23/3—3/4/95 | London | Personal |
| Oswin Moore | 16/3—16/3/95 | Miami | Personal |
| George Leid | 16/3—16/3/95 | Miami | Official |
| Michael Toney | 1/4—2/4/95 | Barbados | Personal |
| Richard Jackman | 10/4—17/4/95 | San Francisco | Personal |
| Nancy Jackman | 10/4—11/4/95 | San Francisco | Personal |
| George Leid | 17/4—5/5/95 | Toronto/Montreal | Personal |
| Dennis John | 16/5—20/5/95 | Miami | Official |
| Eric Pierre | 15/5—19/5/95 | St. Lucia | Official |
| Mervyn Affoon | 1/5—18/5/95 | Miami | Official |

| NAME | DATE | PLACE | REASON |
|---|---|---|---|
| Glenda Morean | 4/7—15/7/95 | London | Personal |
| George Leid | 31/5—2/6/95 | Miami | Personal |
| Richard Jackman | 14/6—19/6/95 | Miami | Personal |
| Nancy Jackman | 14/6—19/6/95 | Miami | Personal |
| Paul Jackman | 15/6—28/6/95 | Toronto | Personal |
| Terry Romero | 16/6—1/9/95 | New York | Personal |
| Leon Romero | 24/6—25/6/95 | Barbados | Official |
| Mervyn Affoon | 24/6—24/6/95 | Antigua | Official |
| George Leid | 26/6—26/6/95 | Guyana | Official |
| Mervyn Williams | 26/6—26/6/95 | Guyana | Official |
| George Leid | 27/6—29/6/95 | Miami/Montreal | Official |
| Richard Jackman | 10/8—24/8/95 | Toronto | Personal |
| Keron De Laney | 14/7—14/8/95 | Miami | Open heart surgery |
| Patrick Morean | 6/8—15/8/95 | Miami | Personal |
| Lennox Alfred | 21/8—27/8/95 | Jamaica | Personal |
| Oswin Moore | 15/8—17/8/95 | Toronto | Personal |
| Marvo Harper | 22/9—27/9/95 | New York | Personal |
| Ronald Rattan | 27/10—19/11/95 | New York | Official |

**1.45 p.m.**

| NAME | DATE | PLACE | REASON |
|---|---|---|---|
| Winston Ironside | 18/11-22/11/95 | Caracas | Personal |
| Winston Ironside | 23/11-25/11/95 | Mexico | Official |
| Winston Ironside | 19/12/95 | Caracas | Personal |
| Glenda Morean | 13/1-14/1/96 | Miami | Personal |
| George Leid | 18/3-20/3/96 | Miami | Personal |

| NAME | DATE | PLACE | REASON |
|---|---|---|---|
| Leon Romero | 18/3-20/3/96 | Miami | Personal |
| Rosalind Ramadeen | 18/3-20/3/96 | Miami | Personal |
| Frederick Thompson | 8/3-14/3/96 | London | Personal |
| George Leid | 28/3-30/3/96 | Brazil | Official |
| Winston Ironside | 21/3-22/3/96 | Caracas | Personal |
| Nancy Jackman | 25/3-4/4/96 | Toronto | Personal |
| Glenna Bernard | 18/5-23/5/96 | Jamaica | Personal |
| Terrence James | 18/5-23/5/96 | Jamaica | Personal |
| Terry Romero | 3/5-14/9/96 | New York | Personal |
| Winston Ironside | 3/7-4/7/96 | Caracas | Personal |
| Stephen Walsh | 9/7-14/7/96 | London and Miami | Official |
| Richard Jackman | 27/7-24/8/96 | Toronto | Personal |
| Michael Mottley | 12/5-20/5/96 | California, USA | Personal |
| Nancy Jackman | 5/9-12/9/96 | Toronto | Personal |

(iii) Under the Chairmanship of Mr. Tyrone Gopee during the period May 27, 1997 to present:

| NAME | DATE | PLACE | REASON |
|---|---|---|---|
| Frederick Thompson | 08/07-14/08/97 | London | Personal |
| Terry Romero | 21/09-28/11/97 | New York | Personal |
| Rampersad Harduar | 18/11-23/11/97 | Miami | Official |
| Tyrone Gopee | 23/8-25/8/97 | Lester Pearson International Airport - Terminal 3 | For the accumulation of information on the processes utilized in the construction of |

| NAME | DATE | PLACE | REASON |
|---|---|---|---|
| | | | the new terminal and to gather an appreciation of operational issues involved in the transition from an existing terminal to a modern, state-of-the-art facility. |
| Tyrone Gopee | 28/10-3/11/97 | Miami | Cargo Conference/Toronto - Planning for Conference in May, 1998 and to visit the ICAO Conference on safety oversight. |
| | 10/11-17/11/97 | Lester Pearson Airport International. | To participate in the evaluation of Airport Systems at the Lester Pearson Airport International. |
| | 21/12-29/12/97 | Canada | Flight information on display |

| NAME | DATE | PLACE | REASON |
|---|---|---|---|
| | | | systems, baggage handling systems and traffic inflows. and to attend a meeting with the Greater Toronto Airports Authority (GTAA). |
| | 28/10-3/11/97 | Toronto | Miami Cargo Conference. |

Mr. Speaker, I wish to inform you that in correspondence dated April 30, 1998 I enquired from Mr. Leon C. Romero, Divisions Manager of Operations, whether the information forwarded for question No. 43 is true and correct.

I further informed him that I was not aware that the Airports Authority of Trinidad and Tobago pays for personal travel and if, in fact, that is so, the practice should be discontinued immediately.

In correspondence dated April 30, 1998, the same day, Mr. Leon Romero, Divisions Manager of Operations, informed me, in writting, that the information provided in the documents that referred to Parliamentary Question No. 43 is true and correct.

I submit the relevant correspondence on this matter.

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

**Mr. Valley:** Mr. Speaker—

**Mr. Speaker:** Is it a supplemental question?

**Mr. Valley:** No, it is not, Mr. Speaker.

**Mr. Speaker:** If it is a supplemental question I will take it. If it is not I will not take it.

**Mr. Valley:** It is a supplemental question, Mr. Speaker.

**Mr. Speaker:** May I hear it?

**Mr. Valley:** I wondered whether the Minister saw it fit to recite personal visits when the question asked clearly about legitimate Authority business. I wonder whether the Minister can inform the House why he saw it fit to recite the list of "personal" business persons travelled on when the question asked specifically for legitimate Authority business?

**Mr. Speaker:** I do not regard that as a fit supplemental question.

**Dr. Rowley:** In the context of the personal trips, is the Minister telling the House that the Airports Authority paid for or somehow facilitated any of those "personal" visits? Is that what we are to understand?

**Hon. S. Baksh:** Mr. Speaker, when I got this information I took the caution of writing the Authority to enquire whether, in fact, that was so and they indicated to me, in writing, that, yes, the Airports Authority paid for these "personal" visits.

**Mr. Valley:** Mr. Speaker a further supplemental. Is the Minister aware of the agreement between the Airports Authority and BWIA that the Airports Authority senior officials do not pay to travel on BWIA? [*Interruption*]

**Mr. Speaker:** Order please! That will not be regarded as a proper supplemental question.

## Water and Sewerage Authority (Investigations of)

**62. Mr. Eric Williams** *(Port of Spain South)* asked the hon. Minister of Public Utilities:

(a) Would the hon. Minister indicate whether or not he initiated, or otherwise caused an investigation to be conducted into the official activities of any member of the board of the Water and Sewerage Authority (WASA)?

(b) If the answer is in the affirmative, would the Minister inform this honourable House of the name(s) of such board member(s)?

(c) Would he inform this honourable House on the findings and/or conclusions of such an investigation?

(d) Would the Minister supply a copy of the report of the investigating team to this honourable House?

**The Minister of Public Utilities (Hon. Ganga Singh):** Mr. Speaker, following a decision of the Water and Sewerage Authority's board to send five employees on leave pending an investigation into their alleged misconduct in the performance of their duties, the Public Services Association brought to the attention of the Minister the purported influence of a member of the board of the Water and Sewerage Authority on the procurement activities of the Authority which may have had an effect on the award of contracts to a particular firm. As a result of the Public Services Association's concerns, the Minister requested the Authority to supply all details concerning the particular member of the board, the bidding firm in question and the circumstances surrounding all awards in respect of this firm. The name of the board member is Mr. Declan Pattron.

The details provided by the Authority essentially concluded that:

(i) at the 102nd Tenders Committee meeting of the Water and Sewerage Authority, held on September 25, 1997, a member of the board of the Authority declared an interest in Continental Industrial Supply Corporation and subsequently excused himself from the meeting.

(ii) Mr. Pattron was appointed by Continental Industrial Supply Corporation as their legal agent in Trinidad and Tobago on September 29, 1997, four days after his declaration of interest.

(iii) Continental Industrial Supply Corporation tendered in competition with several other firms for the supply of materials on five contracts. In all cases awards were made to tenderers who were evaluated and determined to be the lowest, qualified and responsive bidders in the particular circumstances.

The firm of Continental Industrial Supply Corporation having tendered for five contracts was awarded supply contracts amounting to $8,560,143.98 whilst other firms tendering for the same contracts were successful on securing contracts to the value of $10,326,295.64.

The details of the information provided by the Authority are contained in the responses to questions Nos. 59, 60 and 61 of the notice of questions paper (1997-1998 Session) posed by the Member for Port of Spain South. These responses have already been presented to the honourable House at previous sittings and can be made available to the hon. Member at his convenience.

**Mr. Williams:** Mr. Speaker, a supplemental question. A new board was appointed at the Water and Sewerage Authority, was Mr. Pattron reappointed to the new board? If he was not, why?

**Hon. G. Singh:** Mr. Speaker, Mr. Pattron was not reappointed to the board of the Water and Sewerage Authority.

**Mr. Williams:** Mr. Speaker, a further supplemental question. The Minister indicated that all of the answers have been given out over some time. There was one that was written that has not been supplied to me in written form. That was the one that he started to read with the 300-odd names which was actually on the Order Paper as written. I have not received that one as yet.

**Hon. G. Singh:** Mr. Speaker, you will recall that was an answer which required the enunciation of 312 names. As I began the process after I had passed about three names, the hon. Member got up and indicated that he did not feel it was appropriate so to do. Subsequently, you made a ruling and indicated to the Chief Whip that he should speak to his Members in caucus with respect to these answers and they should seek written responses. In furtherance of the completeness of that answer I sent that answer to the *Hansard* so if the hon. Member would like to procure a copy it is in *Hansard* and I can make that available to him also.

**Mr. Williams:** A further supplemental. In fact, Mr. Speaker, in the notice that came out to Members I do not have that here. It was listed to have been written, therefore, it was not my mistake. Secondly, I have checked with *Hansard* and they do not have it.

**Mr. Speaker:** That is a statement.

**Hon. G. Singh:** That is not true.

## NHA Housing Units (Glencoe)

**73. Mr. Colm Imbert** *(Diego Martin East)* asked the hon. Minister of Housing and Settlements:

(a) Could the Minister state the names and previous addresses of the owners and/or occupants of the National Housing Authority (NHA) housing units at Glencoe?

(b) Could the Minister state the criteria used to distribute these housing units?

**The Minister of Housing and Settlements (Hon. John Humphrey):** Mr. Speaker, there are two parts to this question, (a) and (b). The answer to (a) is as follows:

The names and previous addresses of the owners and/or occupants of the NHA housing units at Glencoe are:-

| | | |
|---|---|---|
| 1. | Peter Adams | 100, Irish Avenue, Glencoe. |
| 2. | Natalie Alcantara | 154, Rowland Road, Westmoorings. |
| 3. | Andre and Gemma Alexander | 60, Alfredo Street, Woodbrook. |
| 4. | Marjorie Patricia Bailey | Federation Park, Port of Spain. |
| 5. | Chris Boynes | 3, Allen Drive, Apple Blossom Avenue, Petite Valley. |
| 6. | Cynthia Charles | 16, Damian Street, Woodbrook. |
| 7. | Ann Choong | Saddle Road, near L.P. 177, Santa Cruz. |
| 8. | Esmond and Cheryl Clarke | Bldg. 2, Apt. 1-3, St. Francois Valley Road, Belmont. |
| 9. | Diane Baptiste | 29 Eastern Main Road, Tunapuna. |
| 10. | Louis Bodu | 4, Francis Road, Maraval. |
| 11. | Janelle Dookie | 3, Morne Coco Rd., Apt. 3A, Petit Valley. |
| 12. | Joelle Dookie | 3, Morne Coco Rd., Apt 4A, Petit Valley. |
| 13. | Dolores Ellis and | 3, East Hill, Cascade. |
| | Paul De Abreu | 7, Dennis Mahabir Street, Woodbrook. |
| 14. | Odile Ferreira | 3, Hilltop Drive, Lot 52. Carenage. |
| 15. | Lisa Fingal | 4, Bobb Street, La Romain. |
| 16. | Nicole Rhonda Guppy | 9, Dove Lane, River Estate, Diego Martin. |
| 17. | Zanefar Ghany | 6, Bougainvillea Avenue, Petit Valley. |
| 18. | Roanna Gopaul | 8, St. Lucia Street, Federation Park, Port of Spain. |

| | | |
|---|---|---|
| 19. | Stuart Gooding | 6, Westpark Villas, Westmoorings. |
| 20. | Nigel Grimes | Waterloo Road, Carapichaima. |
| | Trudy Grimes | 3, Onyx Drive, Diamond Vale, Diego Martin. |
| 21. | Stanley Hunte | Cor. Damian and Brabant Streets, Woodbrook. |
| 22. | Sterling Hackshaw | 26, Flagstaff, Long Circular Road. |
| 23. | Kathleen Pouchet-Junkere | 42, Petra Street, Woodbrook. |
| 24. | Beverly Kirton | Yokelele Court (Apt. 1), Norton Street, Curepe. |
| 25. | Jackie Lazarus | 23, De Verteuil Street, Woodbrook. |
| 26. | Gillian Pollidore | 200, Jasper Avenue Diamond Vale, Diego Martin |
| 27. | Norma & Anthony Reid | Smith Hill Carenage |
| 28. | Glenda Vierra | 5, Cotton Hill St. Clair North |
| 29. | Debra Walker | Gittens Dale La Horquette (125, Alexander Road Westmoorings) |
| 30. | Jocelyn Lee Young | 41, Cajuca Street Morvant |
| 31. | Terrence Walker | 5A, La Fantasie Gardens St. Ann's |
| 32. | Zhao Yi | China State Construction Engineering (Trinidad) Limited<br>112—114 Duke Street<br>Port of Spain |

**2.00 p.m.**

Mr. Speaker, the criteria used by the National Housing Authority to distribute the 32 housing units were consistent with the policy of Government to encourage home ownership by nationals of Trinidad and Tobago and included, but not limited to, the following general conditions:

(i) applicants must be citizens of Trinidad and Tobago and should be 18 years and over;

(ii) applicants must demonstrate to the satisfaction of the National Housing Authority proof of income of $6,000 per month; and

(iii) applicants must demonstrate the ability to make a down payment of 10 per cent of the purchase price and liquidate the balance within a period of 90 days.

**Foreign Trips**

**74. Mr. Martin Joseph** *(St. Ann's East)* on behalf of **Mrs. Camille Robinson-Regis** asked the hon. Attorney General:

Could the Minister state:

(a) how many foreign trips were made by him in his ministerial capacity since February 02, 1996 to the present time?

(b) the destination, purpose, duration and cost of each foreign trip?

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, in response to the question posed by the hon. Member for Arouca South, I wish to inform this honourable House that since February 2, 1996 to the present, I have made 20 overseas journeys on Government business.

You will note from the details pursuant to part (b) of the question, which I will be providing shortly, that on most of these visits, I was head of a delegation which would have included other Government Ministers and technical officers from various ministries. This was to ensure that there was adequate and appropriate representation from Trinidad and Tobago so that this country's position in the international arena would have been enhanced significantly and that maximum benefits would be derived from these visits for our country. This country has benefited significantly from these visits, especially in the areas of law, criminal matters and mutual legal assistance, notably in the matters of extradition and money laundering.

The details of the visits are:—

From April 15—20, 1996, I visited Malaysia to attend the Commonwealth Law Ministers' Meeting, which dealt with a wide spectrum of issues, fostering Commonwealth values; and including the role of the Judiciary; the role of administrative laws in the promotion of good governance; the Ombudsman; human rights, Equal Opportunity Commission; measures to address the problems of violence against women; integrity in public office; mutual assistance between

regulatory agencies money laundering; mutual assistance in the administration of justice; extradition and rendition of fugitive offenders and mutual assistance in criminal matters.

Trinidad and Tobago succeeded in persuading the law ministers meeting to agree that Trinidad and Tobago be the venue for the next Commonwealth Law Ministers Conference scheduled to take place in 1999. This would be the first time that the Commonwealth Law Ministers Conference will be held in Trinidad and Tobago.

On my way to the Conference from April 7—12, 1996, I held meetings in London with Charles Russell and Company, Solicitors, Privy Counsel agents of the Government of Trinidad and Tobago. These discussions focused on having a machinery set up in England to ensure that capital cases before the Judicial Committee of the Privy Council were heard within time frames laid down in the decision of Pratt and Morgan. An *ad hoc* case management structure was set up so that the necessary records and documents would be obtained expeditiously through the Trinidad and Tobago High Commission to facilitate the hearing of these appeals.

As a result of this machinery being set up, the time-frame for the hearing and determination of appeals before the Privy Council has been met. This *ad hoc* case management structure co-ordinates with the Case Management Unit which has been set up in the Ministry of the Attorney General to ensure that responses to applications by condemned prisoners before the United Nations Committee for Human Rights are filed in time and time-frames are kept.

During this visit to London, a machinery was also set up to ensure that Government complies with the obligations of both human rights bodies within the specified time frames.

I met the Commonwealth Secretary General to explore possibilities for technical assistance in legislative drafting. These discussions resulted in such assistance being offered and, consequent upon which the services of two CFTC draftsmen were made available to the Legislative Drafting Department for a period of two years commencing 1997. These two officers have been attached to the office of the Chief Parliamentary Counsel since 1997.

I also held discussions with the British officials on the question of technical assistance for Trinidad and Tobago in the detection and prosecution of money laundering and the forfeiture of assets derived from drug trafficking. Following

these discussions and my observations of institutions in the United Kingdom, a British team visited Trinidad and Tobago to determine the nature of assistance to be given to Trinidad and Tobago. This visit resulted in British assistance being given for the setting up of the Counter Drug Crime Task Force. British experts in this field have worked with our local personnel at the said Task Force.

The cost of the visit was $108,497.47.

From July 27—29, 1996, on the invitation of the Embassy of the United States of America in Trinidad and Tobago, I was invited to Miami to visit the Organized Crime Drug Enforcement Task Force and the High Intensity Drug Trafficking Areas Programmes. This invitation was pursuant to the counter narcotics assistance promised by the Secretary of State, Mr. Christopher Warren during his visit to Trinidad and Tobago in March, 1996. As a result of this visit, the Counter Drug Crime Task Force was set up in Trinidad and Tobago and American assistance was given in the training of local personnel on this Task Force. American experts came to Trinidad and Tobago and worked with our Trinidad and Tobago personnel. This Task Force has been successful in assisting Trinidad and Tobago to confiscate the assets derived from drug trafficking. The cost was $7,133.10.

From August 21—29, 1996, I attended the Commonwealth Law Conference in Canada. This meeting focused on several issues facing a changing legal profession and changing global environments in respect of human rights; practice area updates; international commercial transactions; public law; law practice management and the legal profession.

The information gathered at this Conference was very helpful in the formulation of laws relating to freedom of information, equal opportunity legislation and legislation relating to accountability to Parliament. The cost was $42,459.09.

From September 10—13, 1996, I attended the Extraordinary Meeting of the Executive Committee of the Council of Legal Education in Barbados. The occasion was to mark the 25th Anniversary of the establishment of the Council and to discuss matters pertaining to the legal profession in the region. The cost was $2,160.

From October 28—31, 1996, I attended the Seventh Meeting of the Caricom Standing Committee of Attorneys General and Ministers responsible for Legal Affairs in St. Kitts and Nevis. Matters discussed were the establishment of the

Caribbean Supreme Court; the illicit drug trade in the Caribbean; the voting arrangements in the community; the adoption of the Charter of Civil Society and the implementation of the death penalty in the Caribbean. The cost was $16,733.40.

On December 16, 1996, I accompanied the Prime Minister to Barbados to attend the Special Meeting of the Heads of Government. Discussions were centred around the proposal by the United States Government for Caribbean Governments to sign the Shiprider Agreement with the United States of America. The cost was $9,079.80.

From February 24—25, 1997, I participated in the Parliamentary Workshop entitled "Securing State Co-operation and Compliance: The International Criminal Tribunal for Rwanda" which was held in South Africa.

This Workshop assisted me in the formulation of legislation to implement the United States Security Council Resolution No. 955 of November 8, 1994, which established Ad Hoc Tribunals for Rwanda and Yugoslavia. Legislation on the matter in question was drafted and introduced in the Senate and is now before the House of Representatives. Trinidad and Tobago is the only country in the region which has taken legislative steps to implement those two resolutions. The cost was $98,708.80.

From May 12—13, 1997, I attended the Second Special Meeting of the Standing Committee of Attorneys General and Ministers responsible for Legal Affairs in the Caribbean Community, which was held in Dominica. Matters discussed were:—

(i) the consideration of Protocol II, that is, the right of establishment; the provision of services and movement of capital;

(ii) consideration of admission of non-University graduates to the law schools of the region;

(iii) consideration of the proposed amendments to the Agreement and Instruments relating to the establishment of the Caribbean Supreme Court; and

(vi) consideration of draft agreement against the illicit manufacturing, trafficking and smuggling of arms, ammunition and other similar materials.

The cost was $9,079.80

On June 27, 1997, I attended the Twenty-eight Meeting of the Council of Legal Education which was held in Antigua.

Matters considered were:—

(i) the Council's decision regarding the non-equivalent of University of Guyana's LLB degree with that of the University of the West Indies;

(ii) the Council's decision to hold one entrance examination for non-University of the West Indies LLB law graduates;

(iii) the establishment of an alternative system of training for professional qualification; and

(vi) the eligibility of Commonwealth nationals to be admitted to the bar in Caricom countries.

The cost was $4,156.36.

From July 24—30, 1997, I visited London to argue before the Judicial Committee of the Privy Council, Privy Council Appeal No. 31 of 1996—*Learie Alleyne-Forte v the Attorney General of Trinidad and Tobago* and others. This matter involved the constitutionality of the Motor Vehicles and Road Traffic Act which gives power to the police to remove vehicles which are parked unlawfully. This appeal was dismissed with costs. If the Attorney General did not appear, the state would have had to retain English lawyers which would have cost much more than what it cost the taxpayers. The cost was $43,496,70.

From September 2—6, 1997, I was in Canada to deliver a paper on International co-operation in the fight against crime in the Second Annual Conference of the International Association of Prosecutors. I also attended the seminar which was held by the said association. Topics discussed included mutual legal assistance and extradition.

I also signed, in Canada, on behalf of the Government of Trinidad and Tobago with the Government of Canada, a Mutual Legal Assistance Agreement in Criminal Matters and an agreement relating to the sharing of forfeited or confiscated assets and equivalent funds. I took the opportunity to address nationals of Trinidad and Tobago on Government measures to reduce the incidence of crime and drug trafficking. The cost was $27,487.55.

From December 1—3, 1997, I was in Argentina to attend the Meeting of Ministers of Justice and Attorneys General of the Americas. Matters on the agenda

were the rule of law; the modernization and strengthening of the justice system; analysis of the application of legal and judicial co-operation agreements in the Americas; combating corruption; organized crime and other criminal activities; and correctional institution policy and reform processes. Whilst in Argentina, I held discussions with the Minister of Justice in Argentina and secured his Government's commitment to assist Trinidad and Tobago with a project to implement our community mediation laws. Discussions are taking place on that implementation and the Government of Argentina has agreed to help with that particular project.

From Argentina, I travelled to New York to attend the Fifth Session of the Preparatory Committee (PREPCOM) on the establishment of an International Criminal Court. This lasted from December 4—9, 1997. The cost was $70,416.80.

From January 30—February 6, 1998, I visited Poland via London. I travelled to Poland to attend a meeting of the United Nations Inter-Governmental Groups of Experts on the Elaboration of an International Convention against Organized Crime.

**2.15 p.m.**

This conference was held pursuant to Resolution 52/85 of the United Nations General Assembly for the purposes of preparing a preliminary draft of a possible comprehensive international convention against organized transnational crimes. Trinidad and Tobago was congratulated at the conference for its political will and commitment to fighting organized transnational crimes. Trinidad and Tobago's proposals were included in the draft convention. The proposals included an international machinery by the United Nations to provide assistance to states for witness protection programmes. The cost was $70,601.45.

From February 12 to 13, 1998, I attended a meeting of a Caricom Working Group on Reform of Regional Defamation Laws in Barbados. This was a follow-up to the first Special Meeting of the Standing Committee of Attorneys General and Ministers responsible for legal affairs held in Trinidad in January, 1997 and is in keeping with this Government's policy that consideration be given for the reform of law relating to this issue as the existing laws have been in existence since 1846. The cost was $6,395.

From February 16 to 18, 1998, I was in Jamaica to attend the First Special Meeting of the Caricom Legal Affairs Committee, which considered the reports of the Working Groups on the Reform of Regional Defamation Laws and the report of the Committee of Experts on Regional Justice Protection Programme and

discussions were held on the Agreement to establish the Caribbean Supreme Court as well as Protocols III, IV and V of Caricom. The cost was $21,376.63.

From February 19 to 22, 1998, I was in the United States of America, and held discussions with the Secretary General of the Organization of American States and the Inter-American Commission on Human Rights on the implementation of the death penalty in Trinidad and Tobago and the compliance by the Commission of the relevant time periods for the completion of consideration of petitions to the Commission from Trinidad and Tobago in capital cases.

While in the United States of America, I met with Attorney General Janet Reno and held discussions with officials of the State Department on matters relating to extradition, mutual legal assistance and the fight against money laundering and organised crimes. Following the meeting with Attorney General Reno and officials of the State Department, the United States government committed itself to supplying financial analysts to be attached to the Counter Drug Task Force.

Mr. Speaker, only this week three of such analysts visited Trinidad and Tobago, had discussions with me and the government of the United States of America would be sending these analysts in a short while to work with the task force to investigate money laundering in Trinidad and Tobago. This cost was $31,252.

From March 28 to April 1, 1998, I was in New York, United States of America, to hold meetings with the office of the Secretary General of the United Nations and the United Nations Human Rights Committee. I met with the committee and indicated that Trinidad and Tobago wished to implement the death penalty and the applications by death row prisoners must be completed within time frames set by the Judicial Committee of the Privy Council.

I also attended, in New York, the Sixth and Final Session of the Preparatory Committee (PREPCOM), on the establishment of the International Criminal Court.

From April 21 to 30, 1998, I was in London to hold discussions with the Lord Chancellor of England, on the question of the removal of jurisdiction from the Privy Council in respect of appeals in capital cases and constitutional motions arising from capital cases.

While in London, I held discussions with the Inns of Court School of Law in respect of this Government's plan to reform legal education in Trinidad and Tobago. I also met with British counter drug officials and got the commitment of the British government to provide additional expertise to assist Trinidad and

Tobago to investigate drug trafficking and money laundering. I also held discussions with several English lawyers who are specialists in particular areas of law with a view to retaining some of them to do certain matters in Trinidad and Tobago which I am sure the Opposition would not want them to do.

Thank you very much, Mr. Speaker.

**Mr. Hinds:** Mr. Speaker, a supplemental question. Is the Attorney General aware that a lot of the statistics that are being compiled by the Ministry of the Attorney General are being compiled, similarly, at the Supreme Court of Judicature and that it might very well be a case—

**Mr. Speaker:** That is not a supplemental question, that is a statement.

**Mr. Hinds:** No.

**Mr. Speaker:** That is not a supplemental question.

Hon. Members, I wish to indicate that in accordance with Standing Order 19(7), the period set aside for answering questions has, indeed, been expired. I therefore direct that the other questions be submitted to the Clerk and would be answered in writing.

## WRITTEN ANSWERS TO QUESTIONS

### Monthly Water Production Rates

*The following questions were asked by Mr. Eric Williams (Port of Spain South):*

**75.** Would the Minister of Public Utilities inform this honourable House of the monthly production rates of water listed by facility (e.g. dams and water well fields) over the period November 1995 to present?

### Monthly Rainfall Rates

**76.** (a) Would the Minister of Public Utilities inform this House of the monthly rainfall rates for Trinidad and Tobago over the period November 1995 to present?

(b) Would the Minister also inform this House of the 10 year average and the 20-year average rainfall amounts for each month of the year to date?

**Water and Sewerage Authority**
**(Transmission Rates)**

**77.** (a) Would the Minister of Public Utilities inform this House of the rate of transmission of water by the Water and Sewerage Authority (WASA) on a monthly basis over the period November to present?

(b) Insofar as one of WASA's main source of revenue is the income from water rates, would the Minister inform this House of the gross monthly revenue and expenditure of WASA over the period November 1995 to present?

*Vide end of sitting for written answers.*

**COMMUNITY MEDIATION BILL**

*Order for second reading read.*

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

That a Bill to provide for community mediation as an alternative to litigation for certain summary offences be now read a second time.

This Bill attempts to introduce, for the first time in Trinidad and Tobago, a legal framework to promote mediation to resolve and determine petty criminal matters, some civil cases and family law matters.

I say "petty criminal matters' although "petty" might be the wrong word in modern day, but it is regarded as "petty criminal matters" because in Schedule I the criminal matters are:

"1. (a) Assault and battery contrary to section 4;

(b) Assault contrary to section 5(1);

(c) Aggravated assault contrary to section 5(2);

(d) Damaging property contrary to section 25;

(e) Being found on, entering or leaving cultivated lands without lawful cause or excuse contrary to section 41(1);

(f) Being in an enclosed place for an unlawful purpose contrary to section 46(d);

(g) Using violent or obscene language or disturbing the peace contrary to section 49.

2. Unlawful and malicious damage to property contrary to section 45 of the Malicious Damage Act, Chap. 11:06, where the damage does not exceed two thousand dollars."

The civil matters which the provisions of the Bill attempt to have in mind are described in clause 14 and they relate to some of the matters falling under the Petty Civil Courts Act and matters relating to civil, death, divorce and separation and maintenance matters and so forth.

Mr. Speaker, it must be made clear that the Bill does not attempt to provide an amnesty for any of these crimes. The Bill also does not attempt to take away, in any way, the rights of access to the courts or the jurisdiction of the courts. What it does is to provide an alternative mechanism to the formal court litigation for the determination of these matters, bearing in mind that in order for there to be mediation in any of these matters there must be the consent of the *de facto* complainant. If the complainant does not consent to the mediation machinery the courts would have the power to continue with the matter. Also, even if there is a mediation order made, but special circumstance comes to the attention of the court and the *de facto* complainant does not want it, the Bill provides for an application to be made to the court to have the order revoked. The Bill does not in any way attempt to take away the jurisdiction of the court.

**2.25 p.m.**

Mr. Speaker, this Bill had its genesis during the last administration in that the seed for this legislation was planted then. A study was done by Dr. Ramesh Deosoran of the University of the West Indies and a report was presented. There was a task force set up and there was an agreement in principle, by the last administration, to have mediation as a form of dispute resolution in criminal matters. When this administration took office, it looked at what was in existence and it took steps in order to have these projects brought to fruition.

The Bill, therefore—if I may just put on the record—in 1994 a study was undertaken by Dr. Ramesh Deosoran, chairman of the Department of Sociology, Social Work and Psychology, University of the West Indies on the subject of *Mediation As A Community Alternative To Litigation For Young Offenders.* The report identified the need for a community-based approach in the treatment of young offenders with less emphasis on incarceration and punishment and more emphasis on rehabilitation strategies.

At page 3 of the report it cited certain statistics on the level of the crime rate in the country and which showed that the number of minor crimes and minor offences increased by 106 per cent from 1980—1992; and, that for every crime, especially such crimes as rape, domestic violence and minor crimes, at least three were unreported. One of the recommendations was that a task force be appointed to develop an implementation plan for the recommendations contained in the report.

The task force was appointed in 1995 and identified the need for legislation to establish the system and recommended that there be pilot projects of mediation centres under the legislation in three areas: San Juan, Cunupia and Scarborough, Tobago.

This administration caused a draft Bill to be prepared. The Bill was published for public comment in July 1997 and a public forum was held in August of that year. When the Bill was published it did not contain any provisions for mediation in civil matters, but due to the views expressed at the public consultation which were overwhelming there was a demand for consideration to be given to have some mediation in some civil matters as a start, and that is how this Bill contains the framework for mediation in both civil and criminal matters.

Before one goes into the Bill itself, it is important for me to read parts of Dr. Deosoran's report so that one would be able to see the philosophy behind the Bill. At page 5 of the report under the heading: "A Cry for Help", it states:

> "With such a picture of the young offender in mind a study of 166 inmates, (14 to 20) years at the Youth Training Centre was conducted in 1992 to find out what these inmates thought were the major reasons for their getting involved in crime and what they think would help them get out of crime. Almost all of them indicated that they still wanted to 'go to school' and find a means of living. Another common answer from these young offenders was that they got little or no 'attention, love or understanding' when they were growing up. Underlying these answers was their general feeling that the system had not been fair to them and that some other form of mediation or intervention would have been more appropriate if their propensity towards crime had to be alleviated.
>
> These significant, social and psychological features of young offenders have not escaped the attention of the Ministry of Social Development. In its schedule of programmes, the Ministry has no less than seven intervention or rehabilitation programmes. For example, a Foster Care System is planned for

'children below 18 years, and who are in need of protection.'" The report goes on:

"However, given the above trends for young offenders, a critical point must be made: The formal, legal and court route is apparently not able to deal with the magnitude of young offenders in the context of minor crimes and minor offences. And by implication, no matter how much additional human, physical or financial resources are pumped into intervention strategies, so long as the formal legal and court systems are used for determining such intervention, the existing frequency of young offenders and recidivism will continue if not increase. An alternative method of treating young offenders, a method outside the formal court system, is therefore due for serious consideration. The alternative proposed is a community-based system of mediation."

The report continued to show the difficulties which the formal legal system had on young offenders.

"These recommendations certainly reflect a deep yearning for an alternative system to deal with young offenders or at least for a community-based prevention programme. This report also noted deleterious consequences of having young offenders crowded into small cells either for remand or imprisonment. The report repeatedly calls for 'non-stigmatising' and 'non-custodial' methods of dealing with young offenders, especially those with first offences or limited crime records. Given this overall background, it seems very feasible for the Government to now consider community-based mediation as a viable alternative to the court, at least, for certain categories of young offenders."

At page 13, of the report: "Functions and Objectives of Community Mediation" it states:

"1. Mediation has the capacity to offer the victim, where such exist, some form of effective compensation for the loss or injury sustained.

2. The offender faces a community situation where remorse for the offence could be elicited, thus creating a crime prevention environment.

3. Given the community location of the crime and the persons affected, mediation helps provide a sense of community control and community belonging. The community can also get the opportunity to take care of its offenders.

4. Mediation provides a kind of justice without much law and expense, and helps ensure that for poor offenders, they will have equal access and a fair hearing.

5. Community mediation facilitates the presentation of truth in a way that is unfettered by the procedural rituals and befuddling legalities.

6. Mediation can help reduce the pressures on the police and the formal court system."

At page 17 of the report, in conclusion, it says:

> "The quest for mediation as an alternative to litigation is taking place with an increasing urgency in many parts of the world. In this country, and apart from the merits of mediation, the fact is that the population has grown quite frustrated with the ability of the formal legal system to deliver justice in a reasonable time and within reasonable financial limits. Indeed, there are some cases in which the litigants prefer the formal legal system than any other route. One or the other party may feel so aggrieved and the stakes may be so high that only a very formal and final level of adjudication will suffice for them. For these, the fluidity of the mediation process will not serve what they consider their non-negotiable rights.
>
> The persons directly involved in executing and directly supporting the mediation process must be appropriately trained in conflict resolution and negotiation skills, networking and counselling.

**2.35 p.m.**

Obviously, that report must have caused the last administration to take steps. A task force was appointed and the report was prepared. There were requests for certain matters to be done. When we took office we met that at both the Ministry of Social Development and the Ministry of the Attorney General. That is how these matters are now before this House.

Mr. Speaker, what is mediation? It is an informal, non-adversarial process whereby a neutral third person, the mediator, assists parties to a dispute, to resolve by agreement some or all of the differences between them. In mediation, unlike other dispute resolution mechanisms, the decision making remains with the parties and the mediator has no authority to render a judgment. His role is merely to encourage the parties and assist them to reach their mutually acceptable settlement by facilitating communication and helping them to clarify issues and interests.

In many countries of the world, this system has worked quite well. In 1980, Norway was one of the first countries to establish this kind of conflict resolution mechanism. May I say that at some time, the system was in Trinidad and Tobago. It was known as the panchayat system. In the old days the community got involved in trying to resolve these differences. It is now called by different names such as alternative dispute, mediation and conflict resolution. Despite whatever name it is called, the fact of the matter is that one wants to try to resolve these differences before parties concerned have a battle in the courts in an adversarial atmosphere.

It has been a great success in Norway, France, New South Wales, Victoria, Queensland and the United States of America. Reports have indicated that the centre in Atlanta has handled more than 40,000 cases, with a settlement rate of 70 per cent. As a matter of fact, Trinidad and Tobago has ratified the United Nations Convention on the Rights of the Child and it called for steps such as these to be taken to try to get children out of the court system.

We know what is mediation. We wanted to find out if it has worked. We have seen that it has worked. Why does it work? I would read some of the points as to why it works, from the book *Community and Neighbour Mediation* published by Cavendish Publishing Limited. I did not mention England, but mediation is also done in the United Kingdom and it has worked tremendously. Page 9 states:

> "Instead of polarizing parties into two enemy camps, it encourages them to focus on the problem between them rather than on each other. Instead of taking up positions, parties are encouraged to look at their needs and feelings in a particular situation..."

We may need mediation for political parties.

> "People are more likely to change their actions if they hear how their behaviour is affecting the other person than if they are told not to do something.
>
> People are more likely to keep a solution they have been involved in than one imposed by an outside person...
>
> People are able to reach agreements appropriate to their particular situation; their needs might be quite different from the requirements of others with a similar type of dispute.
>
> Mediators ask people what they want. In many cases they simply want an apology from the other person for the distress they have caused, but once they

have taken the matter to a solicitor they find themselves on a rollercoaster ride they cannot stop.

Mediation is a confidential process—this enables people to say whatever they want without the fear that it will be taken down and used in evidence against them. The Court of Appeal decided that admissions or conciliatory gestures made during mediation are not admissible if the mediation is unsuccessful and comes to court, except in the rare case where someone indicated that he had caused, or was likely the cause of, severe harm to a child...

Mediation is more likely to get to the root of the problem, particularly in neighbour disputes...

Disputes have many strands or aspects to them—however the courts can only deal with matters of law, which means in many cases they cannot deal with the whole picture.

Although mediation looks at the past, its focus is on the future—how do the parties want the situation to be from now on?..."

Before I go to the Bill, may I say that the whole process of civil litigation in Commonwealth countries is now being radically reformed for rules of the courts to be changed, so that in civil matters there would be a mediator before the matter is actually heard in the court. There would be professional mediation so that the experts would identify the legal issues and would be able to give an idea as to the possible strengths or weaknesses of the legal issue. There would be encouragement from the administration of the court to have matters resolved. The court would not be able to force people to have the matters resolved, but the structure of the rules and the mechanism are being geared toward that right.

I know that at this stage matters like this are being discussed by the Rules Committee of the Supreme Court of Trinidad and Tobago. It has been made public that that is the route the civil justice system must go if there are to be reforms. I must confess that in the Caribbean the question of having mediation in criminal matters is new. It is felt that criminal matters are against the state and therefore, there should be no compromise. That whole philosophy has been overturned because the jurisprudence which has developed has shown that in respect of certain crimes, although they impinge on the public, there is a victim. The *de facto* complainant should have a say in whether he/she would want these matters resolved or not. In matters such as assault, battery and where someone unlawfully

occupies a piece of land, countries throughout the world have adopted the system and opted for mediation.

**2.45 p.m.**

Mr. Speaker, who can apply for mediation under the Bill? Under clause 3 of the Bill, a person who is charged for the first time with an offence listed in Schedule 1, or who has not been charged or convicted of any other offence, is eligible for mediation.

One of the arguments against this clause has been that we ought not to allow a person who has been charged and acquitted to be eligible for such facility. Well, this matter was raised with the population and it was felt that, initially in Trinidad and Tobago, this measure should be for people who have had no brushes with the law. It should not in any way undermine the principle of presumption of innocence. We are dealing with machinery in which the court would have the power to stay proceedings for a while to facilitate mediation. This would mean that the persons would have a mediator who has been agreed to by both parties. These mediators would be skilled, with training in the communities in dealing with these matters.

The two parties would be there and they would be counselled by the trained mediator who would try to get to the root of the problem to see whether the persons themselves would be able to resolve their difficulties. It was felt that the best way to start this project was to have persons who had not been charged before with any offence, except the offence for which they are at present charged, which has to be a Schedule 1 offence.

The defendant could, therefore, apply for mediation. However, if he applies and the *de facto* complainant does not agree, the court cannot make an order for mediation. A mediation order can only be made with the consent of both sides.

Under clause 4 of the Bill, a court trying an offence alleged to have been committed by a person who is eligible for mediation shall inform the defendant and *de facto* complainant that they may jointly or separately apply to the court for mediation. So, in respect of Schedule 1 offences, there is a mandatory obligation on the court to inform parties of the right to apply either jointly or separately for mediation.

Mr. Speaker, under clause 5 of the Bill, where the court gets the information that both parties want mediation, it may adjourn the hearing of the complainant to allow sufficient time to make application. From the Bill, one can see that there is a

particular form in which the application has to be made. This is set out in Schedule 2 of the Bill. That form has to be signed by both the *de facto* complainant and the defendant. That form has to be lodged, and apart from the other matters stated on the form, it says:

"We, the parties to this complaint agree—

(a) to the determination of the complaint by mediation; and

(b) to waive our rights to initiate any further legal proceedings in respect of the matter complained of in this complaint if the complaint is determined by mediation."

So it is a consensual approach.

Where the person indicated that he wants to apply but he does not apply before the next hearing, or his application for mediation is refused, the court has the jurisdiction to proceed with the hearing of the complaint. That shows that there is no right being taken away from the defendant to have his day in court. If a defendant wants to have his day in court, he can say that he does not want mediation. If a *de facto* complainant wants to have his or her matter determined in a court trial, he or she can insist and the court cannot prevent it. So this does not deny anyone access to the court, or take away the jurisdiction of the court.

In clause 5(3) of the Bill, there is a typographical error. It should be: "...inference of guilt shall be drawn from any fact that the defendant applied...for mediation". This means that if for some reason a person indicates that he wants mediation and, assuming that he changes his mind and wants to go to court and fight the case, or his application for mediation is refused, there can be no inference of guilt because he did that. In other words, that should not be held against him.

Clause 6 states that on submission of an application, the clerk of the court shall, in the appropriate place of the application form, acknowledge receipt of the application, endorse it and there should be a copy retained by the court. Obviously, that is important for its records.

Clause 7 of the Bill deals with consideration by the court in respect of the application. Clause 7 specifies that the court can refuse mediation and this happens because the court has the power to examine the complaint, the report from the probation officer, the circumstances, and to determine whether it is a complaint amenable to community mediation. Two persons may agree for mediation, but because of the facts and circumstances that the probation officer presents, the

court in its discretion can say that it is not a matter for mediation. Obviously, the man gets a copy and there is exchange of information.

The whole purpose of that is that the court, in a criminal matter, has the inherent power to supervise the proceedings. Therefore, in a court exercising criminal jurisdiction, it would not be right to take away that discretion to supervise to ensure that justice is done.

Clause 7, therefore, says that a court shall not approve an application for mediation unless it is satisfied that the complaint is amenable to community mediation; it obtains a report from a probation officer about the defendant and his circumstances and, after considering the report, if it thinks it necessary to hear the probation officer, it is satisfied that the defendant is a suitable person for mediation. The defendant and the *de facto* complainant must agree to the determination of the complaint by mediation and to waive their rights to initiate any further legal proceedings in respect of the matter complained of.

**2.55 p.m.**

Mr. Speaker, it is not a situation where two parties could just get together and say we want to mediate this matter, the court still has a discretion over the circumstances. Obviously, the intention and the spirit of the Bill is to permit mediation in deserving cases.

Clause 7(2) of the Bill gives the right to the Director of Public Prosecutions or any other officer—but that should really be a police officer. It says:

> "In determining whether a mediation order should be made, the Director of Public Prosecutions or any other officer conducting the prosecution of the complaint shall be entitled to be heard by the Court."

There would be consequential amendments to that clause to give the right for the Director of Public Prosecutions or the police officer to appear in the court in order to be heard.

Mr. Speaker, clause 8 is where the court approves the application. So there is a situation where the court has been told of the intention to apply, the application is then made and the court considers the matter and then there is the situation where the court approves an application. It states:

> "8. (1) Where the Court approves an application for mediation, the Court shall make an order—

(a) appointing the person referred to in section 7(1)(d) as mediator of the complaint;

Mr. Speaker, clause 7(1)(d) says:

"A Court shall not approve an application for mediation unless—

(d) the defendant and the *de facto* complainant agree on the person who is to be appointed as a mediator of the complaint and that person also consents to being so appointed."

Clause 8(1)(b) continues:

"(b) referring the complaint to the mediator for mediation; and

(c) subject to section 10(3), suspending its hearing of the complaint."

Clause 10(3) is where the court is retaining the power to revoke the mediation order if circumstances have changed. It states:

"Where it is proved to the satisfaction of the court that a defendant has, without reasonable excuse, failed to comply with any of the requirements imposed on him pursuant to section 9, including any failure to do satisfactorily anything specified in section 9(3), the court may revoke the mediation order and resume hearing of the complaint."

Mr. Speaker, clause 8(2) says:

"Before making a mediation order, the Court shall explain to the defendant, clearly and precisely—

(a) the purpose and effect of the order and in particular the requirements of the order referred to in section 9;

(b) the consequences which may follow under section 10 if he fails to comply with any of those requirements; and

(c) that the Court has under section 11 the power to review the order on the application of the defendant, the complainant, the probation officer or the mediator; and where the defendant objects to the making of the order, the Court shall not make the order but shall resume the hearing of the complaint."

What this is doing, Mr. Speaker, is showing that even if the person said he wants mediation and he made the application, agrees to it and the court considers it and is about to make the order, the court is saying that it wants to make sure that the

person who is affected—the defendant—must understand fully the consequences of it, he is going into it with his eyes wide open so nobody could say that advantage is being taken of him and he, in effect, faces the consequences if, for some reason he starts it and it has to be revoked and the matter tried. That is the purpose of it and if at that stage the defendant changes his mind, the court would have to go ahead with the case in the normal way.

Mr. Speaker, clause 8(3) says:

> "A court making a mediation order shall furnish four copies of the order to a probation officer assigned to the Court and he shall retain a copy and give a copy to the defendant, the complainant and the mediator."

Clause 9. (1) says:

> "A mediation order shall—
>
> (a) subject to section 11(a), have effect for such period not exceeding twelve months from the date of the order as may be specified therein;
>
> (b) require the defendant to submit during that period to the supervision of a probation officer assigned to the court;
>
> (c) contain such provisions as the court considers necessary for securing the supervision of the defendant; and
>
> (d) contain such additional conditions as to residence and other matters as the court, having regard to the circumstances of the case, considers necessary for securing the good conduct of the defendant and his participation in the process of mediation."

Mr. Speaker, one would see therefore, and this has to be understood to grapple with this Bill, that during the period of a year—the mediation period—it is the time when the defendant would obviously have to show that he really wants to resolve his differences and wants to make compensation, to do the community work, or the work for the *de facto* complainant and that he not only wants to do it, but actually does it. If, during that period of time he has adhered to these conditions and the parties are satisfied, obviously, the court would make the order that the matter has been determined by mediation.

Clause 9(2) says:

> "A defendant in respect of whom a mediation order is in force shall attend such mediation centre at such time as he is required by the mediator to attend in order to participate in the process of mediation, and on any such occasion, the defendant or the *de facto* complainant may be accompanied by an attorney-at-law."

Clause 9(3) says:

> "The process of mediation may, with the mutual consent of the parties thereto, require the defendant to do any of the following:
>
> (a) community service;
>
> (b) work for the *de facto* complainant;
>
> (c) participate in an educational or rehabilitative programme;
>
> (d) compensate the *de facto* complainant in an amount not exceeding five thousand dollars or such greater amount as the Minister may fix by Order subject to negative resolution of Parliament."

One sees that all these matters during this year by the person attending the mediation centre and getting the benefit of all this advice will decide what should be done.

Clause 9(4) states:

> "A defendant's obligations under subsections (2) and (3) shall, so far as practicable, be such as to avoid any conflict with his religious beliefs and any interference with the times, if any, at which he normally works or attends a school or other educational establishment."

One sees that according to the provisions of this Bill, the court will at all times be in charge, but it takes the back seat and allows mediation process to go on, but if the court has to intervene, it would be able to do so to either revoke the order, or to extend the period with the consent of the party.

Clause 12 (1) says:

> "Where the probation officer under whose supervision the defendant is placed, is satisfied that the defendant has complied with the requirements imposed on him pursuant to section 9, the probation officer shall submit a report to that effect to the mediator."

This has to happen and upon receiving that report, the mediator would see if all the conditions and requirements imposed have been complied with and if he is happy, then the mediator would forward his certificate and report which would record that the complaint has been determined.

Clause 12(2) says:

> "Upon receiving a report under subsection (1), the mediator shall issue a certificate of completion in the form set out in Schedule 3 and shall forward the certificate and the report to the court which may then record that the complaint has been determined by mediation."

When the court gets that, obviously there would be the machinery, rules would be put in place so the court would have that order and obviously there would be some form of hearing—it may be a chamber hearing—where both parties are there and the agreement called and sanctioned. It would be recorded that the complaint is determined by mediation.

I should mention if it is not determined, the process continues and the court can go ahead and deal with the matter.

Clause 13 states:

> "No incriminating statement made during the mediation process shall be admissible in evidence in any court against the person making the statement."

Mr. Speaker, one had to balance the public's interest and when one looks at countries which have had this kind of legislation, the question arose whether the state will, in effect, have a situation in which it encourages mediation but does not encourage persons to talk freely. Or that if persons believe if they talked freely there will be this sword hanging over them and later on could be used against them. It has been felt that in order for the system to work, they must be free in this discussion and, therefore, the legislation which has been looked at in these countries and in particular, Australia has gone the route that no statement made during the mediation shall be admissible in evidence against the person if there is to be a trial on the issue.

Mr. Speaker, in respect of civil matters, clause 14 (1) says:

> "A person may apply for mediation in respect of the following civil matters:
>
> (a) matters falling for determination by a court under section 8 of the Petty Civil Courts Act;

(b) applications for ancillary relief following the grant of a *decree nisi* of divorce or a decree of judicial separation;

(c) applications falling for determination by a Court under the Matrimonial Proceedings and Property Act for the custody, education, supervision and maintenance of children;

(d) applications for the maintenance of children under the Family Law (Guardianship of Minors, Domicile and Maintenance) Act;

(e) following the grant of a protection order under the Domestic Violence Act, all applications as far as they relate to the maintenance of and access to children, maintenance of a spouse, *de facto* spouse or dependent; and

(f) undertakings to be given in domestic violence proceedings where there has been only one instance of domestic violence, by the party giving the undertaking."

Mr Speaker, it is to note that in respect of the matters which are in clause 14 (1) (a), (d), and (f) which are matters under the Petty Civil Courts Act and matters for maintenance of children and undertakings in domestic violence proceedings, the Bill tries to encourage parties to try to have mediation directly with the consent of each other and if that fails, then proceedings may be instituted under the relevant legislation.

It is correct that at the present time, parties can do that but it was felt that if one is dealing with such a matter, the legislation should give some framework that is encouraged that in respect of those matters, parties themselves have regard to the nature of them and should try to see if they could resolve them themselves and if they cannot, the proceedings may be instituted. In respect of matters falling under clause 14(1) (b), (c) and (e), the court can indicate whether they would like to engage in mediation or continue the court process.

Clause 14 (4) in respect of mediation in civil matters says:

"Where the parties opt for mediation under subsection (3) the Court shall adjourn for the parties to agree on a mediator and on the adjourned date the Court shall make an Order—

(a) appointing the mediator agreed to by both parties;

(b) refer the complaint to the mediator for mediation;

(c) suspend its hearing of the complaint."

It should be "hearing of the matter" that is a typographical error.

**3.10 p.m.**

Mr. Speaker, clause 15 provides that upon completion of the mediation process a certificate shall be issued which may record that the matter has been determined. Again, the rules and regulations which would obviously be made in collaboration with the Rules Committee, especially with respect to the Magistrates' Court, would provide for some form of hearing by the Magistrate in order to have this recorded. Where the mediation process fails, a notice is issued in the form set out, and a date would be fixed for hearing of the matter.

Clause 16 gives the power to the Minister to:

> "...designate any premises or part thereof, as a community mediation centre for a magisterial district."

Clause 17 states:

> "The Minister may make regulations for the carrying out of the objects of this Act..."

Clause 18 states:

> "The Minister may, by Order, amend Schedules 1 and 2."

I should mention that one of the matters which has been raised with me within the last few days, is the method of accreditation and the qualification requirements for the mediator, in each particular case. I think that is a good point because one wants to ensure that there are standards and criteria for mediators. When one looks at legislation in other countries where this has worked, one would see that it has provided for certain criteria.

There would be instances such as petty court matters where a mediator with training and skills in particular matters, may not be the kind of mediator who would assist in a family law matter. One might get, as far as practicable, persons from the immediate community, but when one refers to the Community Mediation Bill, it does not mean that all the mediators have to come from that particular community. It is regarded as a community of Trinidad and Tobago, so that one would have to get some mechanism and criteria. There would, therefore, be an amendment to clause 17 to make that provision.

Mr. Speaker, I do not know if other Members of the House also had this in mind, but the question arose whether the mediator should be protected from any

lawsuit in relation to the performance of his functions; whether there should not be any statutory protection for him. I am merely saying that, in my understanding of the common law, there is already this protection. However, I have decided as a matter of safety and certainty—for there to be no doubt whatsoever—that there would be that protection from any lawsuit and also from compelling him to give evidence as to the contents of the negotiations.

As a matter of fact, I have in my possession a paper which shows that in cases decided on the common law, there is that protection. However, with respect to clause 19, at the committee stage, I would have the necessary amendments done to give effect to those principles.

Mr. Speaker, public comments on the Bill were received from the Trinidad and Tobago Law Association. We have dealt with and agreed with some of these comments made. We have responded, specifically, to those two matters which I have just mentioned we would be amending. In respect of some of the other comments, we did not think that they were material; it was a matter of policy. However, in principle, the Trinidad and Tobago Law Association supports the Bill and the people of Trinidad and Tobago—in public discussions—support the principle contained in the Bill.

Mr. Speaker, I think this could be regarded as a new phase in the development of the administration of civil and criminal justice. Trinidad and Tobago is the only country in the Caribbean which is going that route. I was surprised to see—since I read the answer to the question today, I think I can talk about it—in Argentina how these mediation centres worked. Argentina had a very serious crime problem and the Government introduced these mediation centres for both civil and criminal matters. It has worked so well that crime by the young has been reduced considerably. As a matter of fact, Argentina is regarded as one of the leading countries in the world with respect to the success of mediation centres. The Argentinian Government has agreed to send experts in this field to Trinidad and Tobago to help us implement this Bill.

As a matter of fact, in South Africa this concept is being introduced. When I told the Minister of Justice in South Africa I was going to deal with this matter today he told me he was in the process of introducing similar legislation there.

Mr. Speaker, I want to be fair to Members on the other side. We do not want to complete this Bill today because there are some matters which we got a few days ago at which we want to look. We, however, want to hear the views of

Members of the Opposition and in our response on the next occasion we would see whether we could accommodate any of the suggestions made.

Mr. Speaker, it is the road we have to travel. I beg to move.

*Question proposed.*

**3.20 p.m.**

**Mr. Fitzgerald Hinds** *(Laventille East/Morvant)*: Thank you very kindly, Mr. Speaker, as I am given the opportunity to enter, what I consider, a debate that takes Trinidad and Tobago a stage further in its development.

Mr. Speaker, a moment ago I overheard the Attorney General saying it is not his intention to complete the debate today, but he merely wants to hear our views. It is a searching mission he is, perhaps, on. I hope it is not one of search and destroy. Because oftentimes, as he searched the PNM for its positive thoughts, for the benefit of its cumulative wisdom over the years, and we share it with him or with the Government, it is flatly rejected to the detriment of the people of Trinidad and Tobago—search and destroy. But I hope that he takes a different attitude, a different approach, today, particularly as we are talking about mediation which, in fact, has to do with a different approach or attitude. I do honestly feel that the question of mediation, a person in the spirit of mediation is a person who is with what is other than a confrontational attitude or approach.

I have heard the Attorney General in this House, since I came to this House—in fact I have a list—pilot some 40-plus bills or pieces of legislation. It might very well be closer to 50, including the Community Service Orders Bill, which I will come to shortly. About two sittings ago he made a presentation that I had to privately commend him on, that was a very solid presentation and I would describe it as being apolitical, it was without any of the political cut and thrust that he is known for in his usual adversarial and confrontational style.

Today he was also apolitical but, at the same time, I cannot compliment him today, and I mean no disrespect to him, I say this in the spirit of sincerity, because he rambled through this important piece of legislation without the kind of spirit that one thought it would have carried. He really rambled through it. One gets the sense that he is not really with this. This is not part of his persona, this is not part of the Government's being, its collective being, they are not about mediation. I think the sounds coming into the Chamber from outside demonstrate that; a matter I will deal with later at the appropriate time.

Mr. Speaker, the business of mediation is not entirely new. In fact, it is not new at all. The records, and from observation of human history, are quite clear that many societies, historically, had dispute resolution modes outside of the formal legal or court systems, for example, in Japan. In China today, I am advised that they still have conciliation courts, as they are called; in Scandinavia, the fishermen in that part of the world had their own ways of resolving their disputes which last up until today; African tribes; native American tribes; the kibbutz, as we call it, in Israel; have their ways of dealing outside of the normal and formal legal mode or modes. Right here in Trinidad and Tobago, the East Indian community could boast of the panchayat. I am told that at one point, I am not sure whether it exists today, the decisions of the panchayat were recognized by the courts of Trinidad and Tobago. So that it is not entirely new. But what it requires, as in today's society, is of course a new attitude, a new approach to dealing with these problems.

First of all, in the spirit of the mediation, I hope the Attorney General would accept that the very title to this Bill—and this is what tells me that he has not really put his soul into this—"An Act to provide for community mediation as an alternative to litigation for certain summary offences"; and yet, there is a part of this dealing with mediation in civil matters. So that the very title, *ab initio,* is short, but I am sure that in the spirit of mediation he will address that minor matter, notwithstanding.

Mr. Speaker, I want therefore, to get into the meat of the matter, I am vegetarian, but I can use those words, into the meat of the matter. We have heard the Attorney General speak about the question of the mediator, and he was quite right to preempt serious concerns about who will he or she be. What kind of training would that person have? He promised, and I know he will keep his word, that he will look into the question of the qualifications they must possess. It does not have to be formal qualifications, though some might be necessary, because it is quite clear, if one takes a glance at this business and the kind of matters that will be raised for the mediators given the purport of this legislation, it will be necessary for mediators to make decisions that will impinge on matters of law and an understanding of that would be very helpful indeed. But outside of that, there is an element that cannot be overlooked; the question of confidentiality. Trinidad and Tobago is a society where the business of confidentiality is not always taken seriously. As they say, nothing remains secret in Trinidad and Tobago. In any event, one expects that confidentiality would be a criteria, it would be a quality that one would want from a mediator. It is a profession in its own right. Therefore, some system of training must, of course, be put in place.

The Attorney General spoke about protection for the mediator and I am glad that he touched on that, because only recently we read where a distinguished attorney in this jurisdiction sought to have a trial judge subpoenaed to give evidence in a matter. Of course, the court quickly ruled that that was not to be. So that, one wonders what sort of protection mediators will enjoy, and the Attorney General promised he would address his mind to that. The mediator, of course, carries quite a lot of power, because according to this legislation ancillary matters following a *decree nisi* for example, upon divorce, could be settled by a mediator. This involves distribution or sharing of property, custody of the children, and that kind of arrangement. Quite some power vests in a mediator although, essentially, one is thinking that the mediator must be a neutral party, but of course, at times the concept of neutrality gives way, because the reality is decisions have to be made and persons have to be prodded along as one seeks to facilitate the negotiation that is envisaged. So that the mediator in fact, in a real sense, carries quite some power and, therefore, those persons must be suitably qualified; formally perhaps, but more importantly, temperamentally and otherwise for the task of mediating.

Now, in Part I, clause 3 of the legislation, the question of eligibility for mediation in criminal matters arises. It says:

> "A person who is charged for the first time with an offence listed in Schedule 1 and who has not been charged with or convicted of any other offence is eligible for mediation."

[MR. DEPUTY SPEAKER *in the Chair*]

Of course, the language of this clause is rather clear, Mr. Deputy Speaker, as you take your place. However, there are administrative concerns. Of course, I am told that police stations across the country are being computerized and that will make it easier, for example, for a police officer or the police station at Toco to be aware that a fellow was charged in St. James earlier in the day. Because it may take two or three hours for a fellow to be processed, he walks out of the station and goes down to Point Fortin, for example, to some celebration, misconducts himself, but of course, with computerization and communication between police posts and charging authorities, that problem might not be so real. In any event, by the time—say that happened over a weekend—Monday morning, when it gets before a magistrate, of course, the facts may be clearer to all, but it is a matter which has to be addressed administratively. These are matters we must look at closely as we make legislation in this Chamber.

Now, Mr. Deputy Speaker, clause 7 highlights restrictions, as it says in the side note, on the approval of an application for mediation. The offence must be one that is listed in the Schedule. I want to ask the Attorney General, and I am serious about the question. I do not want any flippant or dismissive response. Let me not say that I have seen it before, but it is not beyond the Government to do that. Let me say, I am wondering, and I would like to hear an explanation as to why—because, of course, we know it is a limited category of offences—for example, offences like gambling and assembling for the purpose of gambling could not be included in this Schedule. Offences such as throwing missiles, not necessarily leading to criminal or malicious damage, but throwing missiles. Unlawful possession up to a certain level. I would like to hear what is the rationale. In other words, I want to understand from this side, why the list is limited to those that exist in the Schedule and why these cannot find a place and, perhaps, even other offences? Once the rationale becomes clear, then one would be happier for it.

At any rate, continuing with clause 7, once the offence is one listed in the Schedule, it requires at clause 7(1)(b) that a report be obtained from the probation officer. Now immediately that sends alarm bells ringing; that raises other administrative matters. I raise this in the context of, as I mentioned earlier, the Community Service Orders Bill of 1997. I have a list of 40-plus pieces of legislation that the Attorney General piloted, I am not talking about legislation in total from the Government benches, I am talking about only those piloted by the Attorney General, "he and all" must be surprised. Forty plus!

Now, the Community Service Orders Bill was introduced to the Senate on February 18, 1997. It was passed in the Senate on April 4, 1997. It was introduced into the House of Representatives on May 2, 1997. It was passed there on July 11, 1997. It was assented to on August 11, 1997. Oftentimes, as I deal with juveniles in the juvenile court, and I deal with quite a few, the question arises: whatever has become of the Community Service Orders Bill? What has become of it? We spent time here debating it, it has been assented to, but, no one seems the wiser. Magistrates, from my observation and inquiry, seem oblivious to its existence and it is not at all given any play, to use a colloquialism, in the courts of Trinidad and Tobago. That is a serious situation. It perhaps demonstrates some of the character of our society in Trinidad and Tobago and, more specifically, if I apply a laser beam focus, to the character of the Government that operates and governs Trinidad and Tobago today. Run and make a hullabaloo, do this, do that, look good, bill after bill after bill, to enhance one’s resumé, I have done this, I have done that, I have done the other and after that: what? It counts for nothing.

So that, we move into a another piece of legislation today, the Community Mediation Bill, and God knows, inside of this very Bill it makes reference, as I will come to shortly, to community service orders as one of the options that the mediator can implement in his mediation. And even that, the Community Service Orders Bill, is not *en vogue,* as it were. I would like to hear the Attorney General tell us something about that. Because oftentimes, we spend time, all of my colleagues on this side, pointing out the frailty of the operation, because it is no point trying to affix modern legal technology to a system that is unable to cope with it. We have said that time and time again, but if it looks good on the face they do it.

The parlour that the Member for Couva South goes to get his facials and so forth, I rather suspect it is all a facade. It is all a facade. And I mean no offence, but I am told that when he goes the cost is usually $150.00, but he is made to pay $300.00 because he speaks on two sides.

**3.35 p.m.**

Mr. Deputy Speaker, at any rate, I wish to proceed with the terms of this. I want the Attorney General to bear in mind that it is all good to come here and talk modern, legal technology, but the reality is, it has to be implemented, otherwise people become frustrated. Similarly, concerning the noises we are hearing outside this Chamber, the Government has implemented new policies in respect of the URP programme, and they obviously are not working—dissatisfaction and disharmony. But we will come to that later. I wish to apply my mind to the terms of this Bill and I will not be distracted by Members on the other side.

Clause 7(1)(c) says that the defendant and the *de facto* complainant must agree to the mediation. Mr. Attorney General, if we are going into the realm of mediation, I wondered for a moment—and it is a thought, he said he was on a searching exercise—whether we could call, for example, the parties to a mediation, anything else but "defendant" [*Interruption*] I am talking about the parties to the mediation. If we are moving from the realm of the normal traditional legal system and opting for mediation, I do not think it is entirely appropriate that the person be called a "defendant". I want you to consider that.

The Member may very well, with the benefit of his extensive resources at the Ministry of the Attorney General—resources that have quadrupled since he came into that office, new vehicles, foreign lawyers and all sorts of things, work permits as well, the Law Association is complaining—one hopes that he would come up

with some other term and probably save us from the use of that word "defendant" in the mediation concept.

The Attorney General made reference to the United States. My information is—and I have never been to a mediation session there, though I attended a court once to see what happens; maybe the Attorney General is aware—that the very court and judge who handle a matter where the parties are opting for mediation, simply takes off his judicial hat and puts on his mediator's hat. In other words, the building and the persons sitting in the chair are the same, but he simply takes a different approach to resolving the matter. I find that a very attractive proposition.

For one thing, it is very cost effective, because according to this legislation we have to create a larger, new chunk of bureaucracy. We have to set up mediation centres, train and employ mediators, and all of the things that go with it. The probation officers must report before any matter goes for mediation, according to this Bill. If that is the case—I can tell you from my experience—that at present in the regular court system there is serious delay merely because of the absence, oftentimes, of probation officers' reports. Very often the delay comes because they cannot cope with the demands for probation reports from court to court all over Trinidad and Tobago.

The point I am making is that the probation department is already overworked and stretched to its limit. I am sure that there are sparse shortages there. I know as a fact, based on my communication with some of them, they are not really well paid, therefore, for that reason and perhaps others, morale is very low. Now, when the court is to decide whether to send a matter forward, it requires a probation officer's report. I can see that is a recipe for further delay, and if one of the advantages of the mediation process *[Interruption]*—you see how much the Attorney General is really interested in this, there he goes. At any rate, that is a serious matter and I hope that the Acting Attorney General would take note and consider that it might be more cost efficient if we consider a system where mediation is merely a question of assuming a new role rather than the establishment of centres and all of the costs that would yield. Given the present state of the economy of Trinidad and Tobago, which still remains healthy—thanks to things that were done beyond November 1995, the engine room is still well oiled and running; therefore, the economy, one can still say, is in a healthy state—but the economy is heading in the direction of the Titanic.

Therefore, any legislation that by virtue of its implementation creates a situation where there is need for more expenditure, centres and all of the things

that go with it, must be of concern to parliamentarians. Perhaps it is for that reason one fears that even this may not come good. I am asking the Government to consider that. It might be a more cost efficient way to deal with it.

I find that the procedure highlighted here in clause 7 is clear but can be rather cumbersome, particularly the question of the probation officer's report with both sides having to be heard and the determination by the courts to send it for mediation, bearing in mind, of course, that in any case, if that breaks down a person can opt back out to the regular court system. It would really be a cumbersome and costly matter. I can see a whole lot more paper, in other words, another parallel line of bureaucracy being established, notwithstanding the very laudable intentions. As the Attorney General said, it came, of course, from the bowels of the People's National Movement—something I do not always like to boast about, but that is the social reality so I say it for whatever little it is worth.

Clause 9(3) deals with this question of community service. The Attorney General spoke about the experience of the United Kingdom. There is a lot of community service taking place there. We put the legislation in place, as I said, and so far it has not been given effect, which is a blemish on the record of the Government that must be noted.

Largely this Bill deals with the problem of young offenders; young because it could only apply for first-time offenders. Of course, a first-time offender could be sixty-plus years of age, as we well know in this nation—but I need not give any details about that. Young offenders' problems are what we are really getting to here. I have seen some rather creative and imaginative processes put in place, for example, in England, to deal with the question of young offenders. I have seen programmes where a confrontation between themselves and their victim is arranged in a kind of controlled environment, so that he could see, firsthand, and hear from the victim, the kind of pain and anguish that the victim suffered as a consequence of his illegal act. If we are moving in this direction, these are some of the creative programmes that I want the Attorney General and the Government to bear in mind, but as I have said, it is far from ready. Not even the simple community service legislation is yet at work.

I want to propose an amendment and I want the Member for Caroni East, sitting in the seat of the Member for Couva South who has similar characteristics—insofar as clause 9(3) is concerned, it states:

"(3) The process of mediation may, with the mutual consent of the parties thereto, require the defendant to do any of the following:"

I do not know whether any means "one" or "more than one" or whether "all" is what is intended. I feel that for clarity we could probably deal with that. You may have a situation where the individual is made to do community service as at "(a)", but at the same time you would like him to participate in an educational or rehabilitative programme as at "(c)". If that is what is intended one might want to say "any" or a "combination of those". I do not know if that is the language the draftspeople would prefer to employ, but that is the kind of sense I am sure was intended. I hope it would be taken into account; something to demonstrate more clearly that we are talking about one or a combination of these.

I cannot see a young offender being dealt with and efforts not being made to educate and rehabilitate him. Of course, in the present situation in Trinidad and Tobago there are many young persons who are sent to prison oftentimes because the court has no other way of dealing with them, and they pose a threat to the larger community, therefore, it is better, in the view of the court, to put them away so as to protect society from their future possible misgivings.

In fact, I was reading a report in preparation for this debate which I pulled off the Internet. It has to do with the counselling of young offenders. It is from the Canadian experience, Ontario in particular, a paper done by "ERIC Clearinghouse on Counseling and Student Services" which states something that is well-known to most of us:

> "The majority of non-incarcerated, first-time young offenders do not re-offend."

The statistics have shown that the majority of young persons who commit an offence for the first time who have been given a chance—this morning in court I managed to secure a chance for a 16-year old boy who robbed another, but the court was using its powers under section 71(a) of the Summary Courts Act, to discharge the young man without putting a conviction upon him and, of course, not incarcerating him. The statistics bear out that such young persons tend not to re-offend. The article says, however:

> "Once incarcerated, the likelihood of re-offending increases."

Because it is in that scenario he meets experts in the business and learns from them; his confidence grows; he has been through the court system, he goes inside and has three years at the Youth Training Centre or what have you, and he learns from them, on a daily basis, all their mannerisms, idiosyncrasies and techniques. In fact, the statistics show that they tend to re-offend.

It is said further that:

> "The most promising rehabilitation takes place in the community and in the home."

This is central to what we are debating today. Although I heard the Attorney General say in his closing remarks that it does not mean mediators must come from the community. With the concept of the panchayat you would find that people within a certain area would have among them persons who would sit as elders, for example, in an African tribe, Japan or the fishermen in Scandinavia. They generally do the same thing. But he is broadening the definition of the word "community" to mean the community of Trinidad and Tobago. In modern day society, that is quite understandable. One cannot easily quarrel with that. At the same time, one has to bear in mind, since we are discussing community mediation, what do we mean by "community". Community can mean country and we can use it in an international sense, we can say the "international community".

**3.50 p.m.**

When one is talking about rehabilitating persons and at a very personal kind of level, I do not immediately want to rule out the question of community solutions to community problems. I appreciate the difficulty with that, given the fact that this is a national Parliament and we are legislating for all of Trinidad and Tobago, but I merely say it, not for conjecture, but for the benefit of the debate. It may be that the Government wants to consider amending that so that it will take into account one or all of these programmes, especially the question of education and rehabilitative input for these young offenders.

Mr. Deputy Speaker, in the United Kingdom, I am told that mediation operates—I may be wrong and I stand corrected—in civil matters. I may very well be correct because the Attorney General said in his opening comments, that Trinidad and Tobago is one of the first in the Caribbean that is taking the business of mediation into the realm of the criminal law. I know that there is a caution system in the United Kingdom where a young offender for the first time would be given a notice of warning and is given an opportunity to come, for example, on the particular day to meet a police superintendent in uniform, where he would be told of the seriousness of the offence in the presence of his parent or guardian and would be given a warning notice that would be recorded. If he gets into trouble again, of course, that would be taken into account.

Mr. Deputy Speaker, the point here is that we are moving into the realm of criminal law and there are some serious issues in that regard. Mediation seems to connote a situation where society is prepared to say, "Look, I do not consider these acts that are the subject of mediation, so grave and so serious that it must warrant the punishment and the opprobrium of the state as a whole. I seem to get the impression from the concept of mediation, that it recognizes that these are infringements on somebody's rights or what have you, or these are acts against a person or a community. We do not see them as sufficiently grave to warrant out-and-out criminal treatment, so we subject the matter to a mediated solution. In a sense, yes, that is the approach, but when you cause criminal matters to be mediated, that topples that view on mediation. In fact, both parties have to agree so that in that sense, yes, we may not be giving the offended party the misleading impression that we are trivializing the pain and the hurt that he has undergone at the hands of the offender, or if I could say, young offender. Since both parties must agree, I think that he would be satisfied in that regard; he must be first satisfied in order to agree and I think that is fine.

Mr. Deputy Speaker, I am reading the same clause 9 and it has to do with subclause (4), which says:

> "A defendant's obligations under subsections (2) and (3) shall, so far as practicable, be such as to avoid any conflict with his religious beliefs and any interference with the times, if any, at which he normally works or attends a school or other educational establishment."

I really think that this is a progressive subclause; I applaud it. It recognizes that while you attempt to resolve the matter, criminal or civil, it must take into account seriously, times for the attendance at school of the juvenile.

Many times in the court system we see young people in uniform. I had a shocking experience about a month ago. I went to the holding cells downstairs the Magistrate's Court and a bright yellow shirt of a certain school—I would not call the name of the school—stuck out in my eyes. I looked out between these hard core, bare back, dirty, grimy looking fellows who might have been arrested for taking drugs over the weekend, and there was this young, handsome boy, 14 years old, in his school uniform. I asked the police officer to bring him outside and I conversed with the young man. He was arrested the evening before for possession of marijuana and he spent the night in custody. It is really a heart-rending state of affairs. This clause will recognize those kinds of situations and it is less likely that we in Trinidad and Tobago will suffer the indignity of seeing a child, just past baby, as

it were, in that kind of scenario. Of course, the juvenile court attempts to deal with that, but not altogether beautifully.

On the question of religious belief, if a man has to pray, as a Muslim does five times per day, you would have to find time in between his service to give him time to pray when you are in the process of dealing with it. All that is quite progressive and quite fine, but what do I say for my rastafarian brethren, as I am myself? I know as a fact, and I take this opportunity to say it in this House, that many of my rastafarian brothers are entirely offended, feel affronted and a deep sense of indignity when they have spent, for example, 25 years grooming their beautiful locks like I do, and then one day find themselves in the clutch of the law and in 10 minutes, "whoosh, it gone". Those who have experienced it communicated to me that it really is a nasty knock against one's personal dignity. I know, Mr. Deputy Speaker, that there is the fallacious and antiquated belief that rastafarians have ticks and bugs in their hair. I do not have any and it is a question of personal hygiene, whether you are bald headed or rasta and there are many who are so beautiful and clean and what have you.

I want the Government, at this time, because it is a matter that has come to the fore, to seriously consider having discussions with the Minister of National Security and the state agencies to consider the question of religious belief insofar as the rastafarian is concerned. As it seeks to deal with the community mediation in respect of the younger members of the rastafarian community, bear in mind that because a young man wears "dread locks", it does not mean that he is so bad and has to be taken off, before he could be rehabilitated. As a matter of fact, since they cut people's hair on entry into the prison system in this country, when you see someone with long "dread locks" you should be reasonably certain that that individual has not been to prison for a very long time. Instead of running away from him, you could better run towards him. It is the crazy bald heads, some of whom I see before me, who pose the greatest threat to Trinidad and Tobago. I want this to be taken seriously. *[Interruption]* Let me continue with my debate in respect of this Community Mediation Bill. I will not be distracted by Members on that side. I am saying, crazy bald heads. There are no crazy bald heads on this side; there are crazy bald heads sitting all over there, so let us get that subtlety, particularly clear.

Mr. Deputy Speaker, I move on now to a concern with clause 10 of this Bill. The side note says, "Breach of mediation order". Subclause (1) says:

> "Where, at any time while a mediation order is in force in respect of a defendant, the court is of the view that the defendant has failed to comply with any of the requirements imposed on him pursuant to section 9, including any

failure to do satisfactorily anything specified in 9(3), the court may issue a summons requiring the defendant to appear before the court at the time specified therein."

At that point, I am not sure whether the defendant would have had an opportunity to explain—and I do not like the use of the word defendant, but I would use it for the time being—why he failed to comply. If a man is ordered to do community service and he must report, for example, to the Red House at 8.00 a.m. to clean around the building, which can very well form part of community service, or to go to the Lady Hochoy Home to assist in the cleaning and care of the elderly there, which would both be rehabilitative as well and part of the service, but he did not turn up. It could be that he suffered a serious injury or was taken away; sometimes he might have been arrested for another offence. It often happens that a man is required to appear before the court on today's date.

**Miss Nicholson:** If he did an offence, let him go before the court.

**Mr. F. Hinds:** No, but he is there. It is well known that fellows are expected to appear to answer a charge, in the Magistrate's Court for example, on one morning but he was arrested and is down somewhere in Golden Grove or Frederick Street and nobody knows of his whereabouts. A warrant is issued for him because he did not appear in court today; that is well known to have happened. I do not know if at this point the so-called defendant would have had an opportunity to express his reasons—and they might be very valid—for his non-appearance, but in any event a summons would be issued and following that, a warrant. Of course, when one is arrested on a warrant, the question of bail becomes very relevant. The bail question is one that this hapless Government sought to address and has made absolutely no progress with to date, apart from the fanfare of locking up a few professional bailors.

The reality remains that bail is a serious issue and I have to deliberate on that for a brief moment because this Bill before us today makes reference to the question of arrest and warrant and raises the issue of bail. Today in this country, a person wants bail but might be poor and landless; the people of my constituency, for example. Because of the geography of Laventille, there is not very much and because of the history of the development of the area, the ex-slave having walked off the plantations in Caroni, Moruga, Oropouche and all over. At the end of slavery in 1938, when he trod down the plantation road and came towards the city centre, the sea front, all he had was the skills acquired during those brutal years whilst in slavery, and he sought to sell them in the city. So Laventille hills provided a place of rest and peace for him.

He was lucky that the colonial masters did not take Laventille hills as they did the other hills of Diego Martin, Lady Chancellor and wherever else they took for one reason or another. Perhaps, because—I understand; I was not there but my history tells me—it was rocky, hard soil and hostile terrain. Today, as a consequence of that, there are not very many people who own land in Laventille; most of it. Some do, some have worked hard, some have made tremendous sacrifices and can boast of owning land today, and must be applauded.

However, there are some who do not, and oftentimes when the question of bail arises, these landless people—and not only people there but persons who, for example, acquired Government units through the NHA, do not get their deeds to show ownership until they are through paying. There are many people who are not homeless, but landless and cannot have someone in the family or take their own bail on the basis of their own land ownership, so they invariably have to find someone who owns land to use his professional bailor services to get them out of the conundrum in which they found themselves. When they do that, that fellow who is selling that service, has sold it 10, 15, 20 times over to several people on the same document. So they spend $3,000, $4,000 and $5,000 and when they cannot satisfy the court with a proper bail bond, they are back in the calaboose, $5,000 gone, and sadness for granny; sadness for mummy; sadness for daddy as the boy "lock up" again.

**4.05 p.m.**

When the question of bail arises I have to remind the Government that when we debated the question of bail here the very Attorney General, one of the 40 pieces he came here with—

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

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

*Question put and agreed to.*

**Mr. F. Hinds:** I am grateful to you, Mr. Deputy Speaker, and in particular the Member for Diego Martin West and to all Members of the Parliament who have given me this extension.

I remember during that debate we told the Attorney General that the time has come—modern legal technology—to consider, for example, bonding houses, bail bond as it were. What do we call them? Yes, clearing houses as it were, effectively

clearing houses, but they disregarded that and making reference to bail here again in this debate but this is how they proceed.

I want, of course, to bring to the attention of the Government just a minor typographical error in clause 14 (1)(b) the last line which says "degree" I think it should be "decree" rather than "degree".

This takes me into the civil aspect of this. There are some matters that are going to be the subject of mediation, like ancillary relief following the decree *nisi* in a divorce situation or a decree of judicial separation, less common today but nonetheless it exists. Applications falling for determination by the court under the Matrimonial Proceedings and Property Act in respect of custody and supervision of child maintenance. There are other matters. All Members have a copy of this Bill so I need not go into that.

When I saw mention of domestic violence in the legislation "ah jump", according to the calypsonian, but on closer reading I recognized that the question of domestic violence, whether it existed or not, would have been determined by the court. The court in its normal traditional way would have dealt with that and it is after the court order has been made that the question of mediation would arise in respect of the question of care and custody of children. I think that is rather sensible because in my view that mediation treats offences subject to it as less serious. I would have shuddered to think that the Government was minded to treat domestic violence as one of those that can be treated lightly because we know that it must not be treated so lightly; it is a rather serious state of affairs but I was relieved to see that was not the case.

Altogether, this Bill is really about so-called restorative justice where it is all about healing and mediation. Mediation is one of the means of resolution of disputes. It is all about that and we have no difficulty with it, particularly as the Attorney General was honest enough to tell us that it had its roots and it came from the belly and wisdom of the PNM just before we demitted office in 1995. We are quite happy to see that the Attorney General, perhaps nudged on by his servants—and that not in a pejorative sense; I use it in the context of service and that is not servitude—in his Ministry and the Ministry of Community Development, Culture and Women's Affairs. I am sure they would have spurred him on. As I have said before thankfully there is a public service that can do those things and keep the ship of state sailing on notwithstanding the changes that may come with government from time to time.

As I close my short contribution to this debate I think by now, based on what the Attorney General has said, the philosophy of this Bill appears quite clear. It is to avoid the rigidity of the usual court system, delay, cost and the adversarial matter in matters that can be dealt with more humanely. He said that in the debate but yet, if you judge from the demeanour of the Government, not by its words through the Attorney General here today but by its conduct overall, by its meandering since it came to office in 1995, you will recognize immediately that there is no clear philosophy that drives this Government and anything really goes.

On the one hand we have pointed out here time and time again that this question of mediation, the question of resolving disputes in that way, the question of restorative justice are concepts that have to do with the most positivist approach to criminology and it is foreign to the classicists who feel the individual has done wrong and he must be punished; punishment must be retributive, you must bring pain upon him so as he makes a decision, the classicist's view is that the fellow who is about to commit a crime sits and thinks logically about it and he weighs up the benefits and the burdens. He makes a calculative, logical decision as to whether his action or inaction will bring him more pain than pleasure and the view is that if he decides it will bring him more pain than pleasure, he will not do it and if it will bring him more pleasure than pain then he does it.

[MR. SPEAKER *in the Chair*]

That is the view of the classicist. In a sense, it says the man made a logical decision and having done so, when he does it you must extract your pound of flesh and you must inflict sufficient pain by way of imprisonment, hefty fines and strokes from time to time and that will cause him to realize, as he weighs the decision on the next occasion, that the burdens may very well outweigh the benefits and he would not do it again. I do not think it exactly works that way but we have seen the Government come with this legislation which, to me, takes the skew of the positivist. It is a more rehabilitative, restorative way of dealing with social and community problems, community in the widest sense. But at the same time there are many bits of legislation that the very Government brings showing that kind of tendency and approach, the Attorney General is running up and down Trinidad and Tobago and the world saying hang them, hang them, hang them.

I am not passing any judgment at this point. It will come to debate in the House as to whether society in large part supports him or otherwise. Whether society has had the benefit of all of the arguments in respect of death penalty so as to be able to make a proper decision as to whether we should say "yea" or "nay".

I am not yet satisfied that debate in Trinidad and Tobago has really taken root and I feel that people have not seriously considered all of the arguments. But that is not my point, Mr. Speaker. My point is on the one hand, from one side of his face he comes with a restorative, rehabilitative softy approach, if I may call it that, and on the other hand, like Jekyll and Hyde, he says hang them. Therefore, it demonstrates, if you like, no clear philosophy from the Government through the mouth and mind of the Attorney General. All we want to see for social stability, for the well-being of the legal or criminal justice system and the well-being of this Bill as it is implemented is that it is a clear philosophy. We must know where they are coming from; we must know what we know. We must not be seeing it here today and it has gone so tomorrow. That kind of UNC typical conduct we can do without. We want certainty, let us know where we stand.

Mr. Speaker, I am sure that the Members on this side who participate in this debate will share the Government's intention to implement this Bill. I have made a few suggestions and I hope that the Attorney General will take note of them or the Member who is standing in for him. I, therefore, say thank you to Members of this House for allowing me to participate in the debate.

I thank you. *[Desk thumping]*

**The Minister of Sport and Youth Affairs (Hon. Pamela Nicholson):** Mr. Speaker, I rise at this juncture to give support to the Government on the Community Mediation Bill, 1997.

As I listened to the Member for Laventille East/Morvant, the first thing I want to do is congratulate him for being bold enough to congratulate the Government for bringing this Bill before us although he was somewhat contradictory in some of his other arguments. I want him to know that the Community Service Bill has been assented to and not proclaimed as yet. It will soon be proclaimed because there is a link between the Community Services Act and the Community Mediation Bill. I am sure he will get some information on that from the Minister of Social Development, Culture and Women's Affairs who will articulate that more forcefully because the Ministry of Social Development, Culture and Women's Affairs is important in the whole implementation of the Community Mediation Bill and the Community Services Act in that all the support services will be provided by that Ministry.

I do not subscribe to the argument postulated by the hon. Member that—remember we are saying that it is a person who is charged for the first time with an offence that is being addressed in this Bill. I heard him say in his discourse that

sometimes—if the offender did not meet the conditions and it might have been that he had committed another offence—he should not be taken back to court. I am saying if he committed another offence then let him go before the court and let the matter be addressed there. However, I believe that this Bill seeks to provide a system of mediation as a community based alternative to the trial of persons who are charged for the first time with certain summary offences and for the settling of certain civil disputes.

Mr. Speaker, this Bill, as we know, is divided into three main areas. Part 1 deals with the criminal matters, Part 2 with the civil matters and Part 3 addresses the miscellaneous matters affecting the operation of the Bill. For the purposes of my discourse I will focus more on Part 1 of the Bill which deals with mediation in respect of criminal matters. As Minister having the responsibility for the development and empowerment of our young people in the country, I cannot envisage a Trinidad and Tobago in which large numbers of young people are incarcerated and unable to productively contribute to the development of the society. Therefore, this is a very progressive and positive step that this Government is taking. I was reading a book entitled, *Working with Young Offenders* by John Pitts. At page 126 he was dealing with how destructive imprisonment can be for young people.

**4.20 p.m.**

I just want to quote a little section here where he says:—

> "The central irony of imprisonment is that it brings together large numbers of people who have nothing in common but crime and offers them almost limitless time and opportunity in which to discuss, boast about and fantasise upon it. Not surprisingly when inmates finally leave prison they find it very hard to think or talk about anything but crime and prisons. Thus it is that the experience of imprisonment may serve to recast the identity of a young person into that of a 'prisoner'."

That is what this Government is now trying to change. We want to give the young people—the first offender—a second chance in life.

A person who is charged for the first time with an offence listed in Schedule 1 and who has not been charged with, or convicted of any offence, is eligible for mediation. Clause 4 states:

> "A court trying an offence alleged to have been committed by a person who is eligible for mediation, shall inform the defendant and de facto

complainant that they may, jointly or separately, apply to the court for mediation."

Clause 9 of the Bill states and I quote again:—

"A mediation order shall—

(a) subject to section 11(a), have effect for such period not exceeding twelve months from the date of the order as may be specified therein;

(b) require the defendant to submit during that period to the supervision of a probation officer assigned to the court;"

So, Mr. Speaker, the philosophical thrust of the Community Mediation Bill is not something new to us, and as the Member for Laventille East/Morvant said, we were honest enough—we are not like the PNM—to tell them that we know that the Bill started under their purview and I know that is why he had to get up this afternoon to support what we are dealing with.

Years ago, as the Leader of Government Business articulated, and also as the Member for Laventille East/Morvant articulated, there was the panchayat system which involved a special group in a community, listening to problems and finding solutions. It was in all communities, in the villages, all over the country where the teacher, the priests and other important people in the communities, performed that role of mediation.

When people were fighting for their boundaries with regard to land, it was that important person in the community that would help to resolve the problems. People going to the courts to resolve simple problems were sometimes redirected into the community, back to the mediator and those problems were resolved. When children have problems in the schools, it is the teacher, functioning as a mediator, who resolves those problems. What is really happening here is a reintroduction of a system that existed already in the country.

Our communities, therefore, must be empowered to take charge of order in their respective areas. I am sure the support Ministry will regionalize the country into bringing a number of communities together to address this problem.

**Mr. Hart:** They will bring Couva Central into it.

**Hon. P. Nicholson:** Mr. Speaker, it is an indigenous system similar to those mentioned earlier which we must seek, as I said, to reintroduce. Community mediation is a means of restoring that community empowerment in terms of resolving minor criminal offences.

Mr. Speaker, the Community Mediation Bill is a mechanism for the community to become more involved in the issues affecting them. It is indeed a very bold and brave step toward involving the community in the process of conflict resolution and problem solving. In an article entitled, "Mediation as a Community Alternative to Litigation for Young Offenders", Dr. Ramesh Deosaran indicated that the rate of crime grew very rapidly between the years 1980—1992. During that period, the number of crimes reported to the police increased by 85 per cent. Minor crimes and offences comprised 65 per cent of all the crimes in that period. In 1992, 73 per cent of the crimes were committed by young offenders.

So, Mr. Speaker, the Community Mediation Bill will not only ease the burden of the courts in dealing with these matters, but most fundamentally, it will bring the offender and the victim in a community-based partnership which could lead to both reparation to the victim and rehabilitation of the offender.

Within recent memory, the individual emerging from childhood has lacked a well-defined social role. As the expectation for young people to work has diminished, young people have increasingly become isolated and, too often, alienated.

Harold Howe writing in the document, *Can School Teach Values*, says and I quote:—

> "In a society based on the work ethic, work helps to define each one of us. To the extent that we do something useful to society, we gain a feeling of belonging and contributing that sustains us even when the work we do is difficult and dull. Youth has been progressively denied the opportunity to engage in work that is important to others and therefore denied the rewards much work produces as a satisfactory and constructive exercise."

So the naturalness of growing up, apologizing, saying I am sorry and making amends has substantial appeal in the community mediation process.

The achievements gained from the mediation programme has made substantial impact and must make substantial impact on the justice system in our country, as it has made impact on the systems in other countries. These programmes seek to:

(1) Increase self-awareness through comprehension of the crime committed;

(2) Provide encouragement and support for rehabilitation;

(3) Serve to strengthen community relationships from community problem-solving with assistance from official authorities and other community figures of significance to the offender;

(4) Provide an alternative to prosecution through community involvement;

(5) Re-establish moral and traditional family values;

(6) Increase self-esteem through admission of the crime and compensation activities; and

(7) Develop a sense of accomplishment through community service.

Several countries in the last two decades have implemented this system. Germany, Austria, North America, Britain and Norway, to name a few, have practised the following alternative methods:—mediation; reparation; victim reconciliation; restorative justice; intermediate treatment; family group conferences. As the Leader of Government Business articulated, Norway has embarked on a major programme of community-based mediation programmes as an alternative to prosecution and the main orientation is the resolution of conflict without official intervention. Similar community mediation programmes have existed in North America, Canada and Britain.

So, Mr. Speaker, in those countries, it has been articulated that the system has been fairly successful, has been quite meaningful and it has been quite progressive for the young people and for the country as a whole and, therefore, I wish to congratulate this Government for coming forward with this programme and I want to assure— [*Interruption*] Our Government. I want to assure the Member for Laventille East/Morvant that in a few months' time, he will see that this programme will be implemented in the country and I am sure he will feel the success of the programme in the Laventille East/Morvant area.

These schemes regularly receive referral where offences result from interpersonal disputes rather than anti-social intent. These programmes are primarily concerned with parties who have some form of relationship and wish to resolve their problems.

The recent and diverse developments in mediation in criminal justice have made it difficult to build a solid underpinning in research.

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

**4.34 p.m.:** *Sitting suspended.*

**5.07 p.m.:** *Sitting resumed.*

**Hon. P. Nicholson:** Mr. Speaker, the goodness of addressing first offenders—young people—came out very distinctly and clearly to me today when I read in the

newspapers about a young footballer and his problems with the Trinidad and Tobago Football Association. The young man was playing a football match—he probably is a hyperactive kind of individual—and when he was called up for an act he committed, he actually knocked away the referee. The decision that was taken by the Football Association is that he should be placed on a ban for one year. His club and other individuals came out in his defence, in that they saw that the ban could put a destructive psychological wound in his whole developmental process, and his life. Players of his club and other clubs are crying out that the decision was too fierce in that it could destroy the youngster and make him a very deviant individual.

While I was preparing for this debate, it came out very forcefully as to what a good piece of legislation we have before us today. What it is really doing is looking at young people, first offenders, and trying to take corrective action to bring them back on line; from continuous derailment—from getting into prison or being destroyed.

Mr. Speaker, these teams regularly receive referrals where offences result from interpersonal disputes rather than anti-social intent. These programmes are primarily concerned with parties who have some form of relationship and wish to resolve their problems. What the football officials in the club are crying out for is that there should be an appeal and that the matter should be discussed because the youngster wrote a letter of apology to the referee, the football club and so forth. He should be brought before the institution just as a mediation system that they want implemented to resolve his problem.

The recency and diversity of developments in mediation in criminal justice have made it difficult to build a solid underpinning in research because this is a recent system that is now evolving throughout the world. The research, however, has shown the practicality of bringing victims and offenders together and the ability of adequately trained mediators to control such encounters. It also shows that the great majority of those who take part, victims and offenders, see it as a very constructive and satisfactory exercise.

When the Member for Laventille East/Morvant was talking he raised the question about the quality of the mediators. I agree with him that they must be properly trained and in some cases we would need trained experts on the teams because today is not like yesterday. However, it must be community-based.

Mr. Speaker, community mediation cannot be externally imposed on the community. It must form part of a whole process of poverty eradication and equity

building at the community level. It is only by building communities, resolving crime and the causes for offences and building the family in the community will there be sustainability of the process because many of the problems we have are because of the whole breakdown in the family structure.

The measures in this Bill which allow for mediation in disputes refer to the mediator by the court, together with prevention strategies being pursued. My Ministry and other social ministries are designed to impact upon the problems of poverty, crime, anti-social behaviour and community disintegration.

Mr. Speaker, there are a number of community-based projects under the auspices of the Ministry of Sport and Youth Affairs that are designed to impact upon those community problems referred to earlier. In my Ministry there are a number of programmes: Save the Youth in Marginalized Communities; Super Five Sports Development Programme; opportunities in the hospitality and tourism sector; District Youth, Micro Enterprise Programme; Youth and Sport Programme.

Mr. Speaker, Save the Youth in Marginalized Communities is a project which has been developed and is still evolving. It is at the pilot level involving three areas in the country where the people believe that they are totally alienated and that nobody cares about them. The areas are Caledonia in the Morvant area; Datsunville in Chaguanas and Cap-de-Ville in the Point Fortin area. Several meetings have been held in those areas and we are now organizing the people. The young people are crying out for a number of things; in some areas recreational facilities. For example, in the Caledonia area there is not even a community hall for the young people to meet. If they have a football club or any kind of club they have nowhere that they can sit and have a meeting. They do not even have a basketball court in the area. The area is very depressed.

**5.15 p.m.**

Social incidents of crime show up in those areas which involve young persons between 15 and 25 years.

The programmes aim to:

Encourage grassroots initiatives utilizing a participatory methodology;

Reduce anti-social behaviour;

Increase social consciousness of young people and to engender empowerment;

Engage young people in purposeful and constructive use of their leisure time;

Improve the quality of sporting organizations and the standard of performance at the community level.

When the young persons are organized in sports you can rally the community around them like what is happening in football today. One of the top football clubs in the country comes from that same area, Caledonia AIA, which is probably the first or second leading football clubs in the semi-professional league. This is a very depressed area. And finally:

Reduce the level of unemployment among the youth and promote some measures of personal development.

We believe that we must address those areas in a positive way. We believe that an Act like this is important for the young people in that area so that more attention and more care would be given to the young people. They would no longer feel alienated. They will understand that somebody cares, the Government cares about them and that is what we are about when we talk about "save the youths in marginalized communities."

The "Super Five" Sports Development Project is a programme where sports is being used as a vehicle to bring young people back on line. Part of the programme involves recreation and the other part deals with training to equip the young person with a skill, to deal with literacy, numeracy—those who have those needs and this is what the young people are crying out for. Therefore, I see this as a very progressive piece of legislation in that when there is family breakdown and there is a situation where the young people feel alienated, in a situation like that they can get involved.

A youth might be walking along the road and because of his poverty situation, he sees two ripe mangoes on a tree and he scales a fence to pick those mangoes and he is caught. This is what this Bill is about. Setting up mediation. If he is locked up, the complainant or the defendant can ask to have this system implemented and that person will be given a second chance.

Mr. Speaker, youth represents energy, hope, idealism. At this period of development there is ambivalence about self. The struggle for independence, uncertainty, emotional trauma, risk-taking and adventure, sometimes result in conflict with others and this is a period of vulnerability and the young person is susceptible to pressures.

The Community Mediation Bill offers a second chance to the young offender without the stigma of a conviction. So that if the matter is resolved there is not

that stigma of conviction. At present the magistrates have no other option but to send a person to the Youth Training Centre or to imprison him. What we are trying to do here is give them the other option, give them a second chance.

Just over two years ago my Ministry held a forum entitled "Speak out" with 50 young persons from the Youth Training Centre who related the experiences which may have caused them to come into conflict with the law and in every instance, the young men talked about the absence of love and warmth, domestic conflict in their homes, break down of the family structure, absence of a father figure, inadequate schooling and generally the absence of guidance within the home. Some also spoke about the dearth of organized opportunities in their communities, as I just articulated about the Caledonia area in Morvant, about the Datsunville area in Chaguanas and about Cap-de Ville in South Trinidad, the area they call Gun Hill. They are talking about these things and when nobody comes forward to assist, the youths believe that nobody cares and, therefore, they will bring the action to us; and that is why this is a very very important Bill.

In many instances the communities held no challenges for them. My Ministry has also conducted studies, as I stated before in these three areas to enable us to plan programmes for the young people in which crime has been noticeable at the national level. Some of the major issues in these communities are lack of programmes for the young people, unemployment, lack of community facilities, lack of training, and employment opportunities, high number of delinquent youths, poorly educated population, crime, incomplete projects, low self-esteem. For example, in the Cap-de-Ville area residents have no recreational facilities. One started around four or five years ago and it is still there, incomplete, and this Government is determined to address that for the young people of the Cap-de-Ville area.

A perception that the wider community does not care is at the heart of the problem and they feel that governments totally alienate and use them and we are determined to make them understand that this Government cares about them and it is going to address their problems.

One of the areas that is very important in resolving their problems is the passing of this Bill and the implementation of it in a positive and successful way. The challenge for us is the integration of the community in solving its problems, in working together on issues and in developing appropriate standards and values for an improved society. I believe that if there is any meaningful Bill or Act that we have to implement it is this one, An Act to provide for community mediation as an alternative for litigation for certain summary offences for first offenders.

Mr. Speaker, I strongly support this Bill today and I do not believe the other side can do anything else but to support this Bill. Thank you.

**Mr. Martin Joseph** (*St. Ann's East):* Mr. Speaker, I will make a brief intervention in the debate on an Act to provide for community mediation as an alternative to litigation for certain summary offences, and to put on record in the first instance that we on this side are in agreement with this piece of legislation. We are in agreement with the concept, we are in agreement with what the legislation attempts to do in its broadest sense.

Mr. Speaker, however I had a little difficulty when listening to the two previous speakers, the Attorney General when he piloted the Bill and the Member for Tobago West, in that there are certain issues on which I wish to focus to see how best they can be resolved, at least in my mind.

As a result, I will focus on the process. When the Attorney General piloted this piece of legislation he indicated the extent of the success with which this legislation has been implemented throughout the world and he made references to all kinds of different parts of the world that I do not have to repeat. The hon. Member for Tobago West also made mention of the jurisdictions where this piece of legislation has been in existence for over 20 years.

**5.25 p.m.**

She talked about Norway where the concern was resolution of conflict without official intervention. As a result, in my mind it raises some issues with respect to the processes. The first issue which I think the Member for Laventille East/Morvant raised is the question of the title of the Bill, "An Act to provide for community mediation as an alternative to litigation for certain summary offences".

I looked at the experience of this mediation in other jurisdictions to which the hon. Attorney General referred. There is a question as to whether or not this is really mediation. We know that it is a question of alternative dispute resolution which falls under the gamut of alternative dispute resolution. There are two widely used methods of alternative dispute resolution. They are mediation and arbitration. The more I listen, the more I need to find out if it is really mediation or arbitration. I will tell you why. It is not being "picky".

With mediation, there is an understanding that firstly, all parties must agree that mediation would take place. I have seen here where it seems as if there are predetermined outcomes as it relates to mediation. In its true sense, when mediation is being practised, as I will discuss when we come to that in detail, the

question of the solutions which are likely to come about are not necessarily predetermined. I need to understand what aspect of this process we are borrowing. Are we really talking about mediation or arbitration? We are talking about parties coming to the table except in that instance where the neutral person can impose a solution, as opposed to in mediation, where the solution which would come about is not predetermined, but will come about in the process of that mediation.

I do not think I need to review the whole question of alternative dispute resolution. Members before me have adequately indicated the context in which it has come about. However, one of the other aspects which have made this process acceptable is that for many years people have complained about the costs, delay and acrimony of litigation. In some cases, it is said that if one wins, going to court can be expensive, emotional and a draining experience. As a result alternatives to the traditional litigation process have been growing in popularity throughout the world. Members before me have indicated the extent to which it is growing.

These alternatives known collectively as alternative dispute resolutions can be used to resolve all types of disputes, from simple neighbourhood disagreements to complex, multi-party corporate conflicts involving large sums of money. Simply stated, technically, it is a process of resolving disputes without using the court system. As the hon. Member for Tobago West indicated, it is the resolution of conflict without official intervention. As I indicated, the most widely used method is mediation where a neutral third person helps facilitate an agreement between parties. Then there is arbitration where a neutral third person hears both sides of a dispute then issues a decision. That is the difference.

The reason that alternative dispute resolution has been prominent is that it promotes faster and less costly settlements in jurisdictions where they are implemented for disputes which might last months or years in litigation. If the parties co-operate matters can be settled in a matter of days or weeks through dispute resolution. There are other benefits which can be derived from alternative dispute resolution such as flexibility and being able to pick and choose among the alternative dispute resolution procedures. It also permits parties to tailor the dispute resolution process to fit their needs. If parties believe they can work out the dispute themselves, mediation is the best answer. If they need a third person to make a decision then arbitration is the proper course of approach.

Parties using the alternative dispute resolution select a mutual third person with whom they feel comfortable and who has the background and experience necessary to understand the dispute, rather than getting the judge who is available. That is

another attraction. Listening to the contributions made by the two Members on the other side, I am wondering how the mediator would be determined. The Member for Laventille East/Morvant also raised that point. I think the Member for Tobago West also agreed. It means that a pool of mediators must be available, but the two parties must also be satisfied with the mediator.

I am concerned with the process as to how that pool would be determined. Later on I would talk about the experiences. How would the persons who are willing to utilize this process be able to determine the persons available and that they would feel comfortable with them? There is also another stipulation that the person must understand the dispute. Apart from being able to be involved in dispute resolution and certain kinds of analytical and listening skills, the person must also be familiar with the dispute for those persons who want to use that mechanism to be comfortable.

We heard discussion about whether or not those mediators are likely to come from the community, immediate community or the wider national community. That is critical. We have identified certain matters for which mediation can be used. It is not a young person engaging in an infringement as picking a mango. They have listed other kinds of issues for which mediation is possible. That brings a certain amount of confusion in terms of the focus.

Let me spend some more time on the process in terms of how it is applied in the developed countries from which we are borrowing certain aspects. I mentioned the fact that the parties using this process must select a mutual third person with whom they feel comfortable and who has the background and experience necessary to understand the dispute, instead of getting a judge who is available. The parties also decide on scheduling and procedural matters. I stand corrected and I guess that the Attorney General would clear up these issues. In terms of reading of the Bill, with regard to the question about scheduling and procedural matters, I do not see the extent to which parties would have some say.

**5.35 p.m.**

The other aspect of the process is that resolution of the dispute is solely up to parties, since the mediator does not have any power in the traditional system from which this comes. The mediator's task is to help the parties reach their own resolution. Now, from what I am hearing from Members on the other side, I am not seeing where the Bill allows that to take place. I stand corrected.

The other feature is that mediation differs from litigation and arbitration because it seeks a solution that satisfies all parties. Who are all the parties we are talking about? Parties (a) and (b) and also the mediator. Again, I do not know whether this legislation allows that to take place.

They say it is limited only by the nature of the problem and the parties' own creativity. In other words, all kinds of solutions are left open to the parties as long as they care to exploit them to arrive at one. Sometimes they say parties go through mediation without reaching an agreement. In this case, parties may want to pursue arbitration or some other form of alternative dispute resolution or they may want to go to court. Clearly this legislation allows for reaching somewhere in the process and deciding to abandon it and go on.

Now the other advantage of mediation is that it is entirely voluntary. This means—and I think we made mention of it here—that parties must come to the whole mediation on a voluntary basis and that the legislation is really supposed to provide the context in which that can take place. I am not so sure, again in terms of this process, how. That seems to be limited.

The statistics show that parties, having used alternative dispute resolution and played a role in crafting the resolution process or resolution itself, are more apt to abide by the resulting decision of the settlement. Moreover, alternative dispute resolution permits parties to resolve their disputes without destroying their relationship, whether professional or personal. The Member for Tobago West made mention of that, but I am concerned as to how the process laid out in the legislation will allow for that to take place. There is a resolution to the dispute without necessarily destroying relationships between the persons who decide to use the process. [*Interruption*]

The Attorney General says that he wants to get the concerns that we may have with respect to the legislation and I am raising some of the concerns that I have as they relate to the legislation.

Mr. Speaker, these are some of the issues as they relate to the process associated with the Bill. With respect to clause 2, there is concern with respect to the qualifications and experience necessary for someone to be a mediator. Let me give an example. In the case of Florida, it has incorporated a number of ADR programmes into its court system. Under Florida law, there is a certification process for mediators requiring that they meet specific education standards and complete a training programme. In Illinois, mediators must have at least 30 hours of training in conflict resolution techniques and they are subjected to on-going peer

review. That is fine in terms of those types of qualifications, but we need to meet the requirement that the mediator must also be familiar with the dispute so that parties will feel that they can bring that understanding of the dispute.

Remember, we are saying that the difference between using a mediator and using the court is that one can get any judge. With the mediator, hopefully, he can bring to the process an understanding of the dispute and as a result will be able to resolve it in a timely manner. The question is how will you set up that pool of mediators who have an idea in advance of the nature of the disputes that they are likely to be brought in on. That is something which has to be taken into consideration.

There is another dispute which my friend from Laventille East/Morvant raised. We are bringing into Trinidad and Tobago a system which is foreign to our culture. I do not have a problem with that. However, I think we need to take into consideration some of the concerns that are peculiar in our culture.

One of the requirements of this process is the question of confidentiality. It is said that in the court system all the evidence is brought before the court. The attraction of this process is the question of confidentiality. We are in a society where confidentiality is something we have not yet gotten accustomed to. There are some other issues associated with the process that we need to be aware of because chances are, in the attempt to implement them, the success that we hope to get from them, may not be realized. So the issue of who the mediators are will be critical. Again, in the process one cannot impose a mediator on the parties. I do not know if in translating it from there to here we will violate that. That is the reason I am saying that, if that is the case, perhaps we will not be talking about mediation but arbitration. In mediation, all parties have a certain amount of flexibility and control in the process.

With respect to clause 3, to which I have alluded, contrary to the practice in developed countries, it seems that we have some predetermined outcomes as they relate to the process and we need to be concerned about them.

There is a question that I also need to have answered. With respect to clause 12(2), I wonder whether or not, once someone successfully participates in this mediation process, it will be removed from their record. Clause 12(2) states:

> "Upon receiving a report under subsection (1) the mediator shall issue a certification of completion in the form set out in Schedule 3 and shall forward the certificate and the report to the court which may then record that the complaint has been determined by mediation."

**5.45 p.m**

With respect to Part 11 clause 14 (1)(a) says:

"A person may apply for mediation in respect of the following civil matters:

(a) matters falling for determination by a court under section 8 of the Petty Civil Courts Act;"

And we spoke about small claims court, about matters under $5,000.

(c) applications for the maintenance of children under the Family Law (Guardianship of Minors, Domicile and Maintenance) Act;

In jurisdictions where mediation is being used, it is quite clear that the mediators need special competence in dealing with these matters, so again, there would be requirement for application for the maintenance of children under the Family Law, (Guardianship of Minors, Domicile and Maintenance) Act, Domestic Violence Act and so forth.

One is dealing with very sensitive issues where the ability to resolve these matters without going into a court of law as far as I am concerned would be in the best interest of the country, especially given some of the problems with domestic violence. There are some people who, given the kind of violence that is perpetrated against them, have a certain degree of fear. Bringing those persons around to resolve a domestic violence issue becomes quite critical and as a result, the person who is going to be mediating must bring to that table a certain amount of skill, and competence to be able to resolve the matter.

I have some concerns with respect to the special expertise which would be needed in these areas and I am raising that because most of the emphasis I have heard so far, are those in terms of first-time offenders, kids, and I have heard no reference made to some of these critical issues and precisely how the process is likely to resolve them.

Mr. Speaker, those are the areas of concern, and I do not have a problem with respect to the intention of the legislation, but my concern is with the process that is going to be used in order to make sure what we want to accomplish from this piece of legislation can really be accomplished and if we do that, as the Attorney General has indicated, we are the first country in the Caribbean that is attempting to put this legislation in place and we would want to be able to ensure that competent legislation is put on the books.

With these few brief remarks, I thank you very much.

**The Minister of Social Development (Hon. Manohar Ramsaran):** I stand proudly to support this Community Mediation Bill to provide for community mediation as an alternative to litigation for certain summary offences.

Mr. Speaker, alternatives to custody are foremost on the minds of people who are involved in the penal system; one such alternative is mediation and as the Member for St. Ann's East mentioned, it is a foreign culture but mediation is nothing new for it was used in the past in Trinidad and Tobago.

As a youth growing up, I heard the elders in the society discussing the panchayat and gayap programmes. What I gathered then was that offenders, or persons who committed crimes were reported to the most influential person in the village who would then call the complainant and defendant, summon a jury—so to speak—of other respected persons of the community, then the matter was heard.

What normally happened was that apologies were made, agreement reached and conflicts resolved; of course, serious crimes which they could not handle were reported to the police and from what I remember, these conflict resolutions were well accepted by the villages and communities. So when the Member says that this is a foreign culture, I disagree. It is something we are used to in Trinidad and Tobago. Of course, today I am sure that mediation is used maybe not formally, but even in conflicts for example when we have our own problems at home. Even at parties sometimes I am sure that people mediate to get warring factions together, so this is definitely not foreign culture.

I understand too that the indigenous people of the world like American Indians and the Mary’s of New Zealand have traditionally used mediation for dispute resolution. What was noteworthy in many instances was that people recognized that talking through disputes leads to long-lasting peace and in today's world when one looks at what is happening in our communities, I think this Bill before us could not have come at a better time when we are looking to see how we could get persons to start talking to each other so the community leaders could be respected; and the teachers, doctors, lawyers who live within our communities could come out and get involved in what is happening. Maybe the Bill would not provide for this, but what we need in the community is for persons to adopt this panchayat or gayap system which we used to have in the past.

In our communities there is so much talent that is being wasted and, as you know, the social ministries in our Government are looking to strengthen the communities to ensure that they deliver to the poor and needy in our society. This

Community Mediation Bill before us could assist as we move forward to reaching our communities. It is seeking to adopt alternative resolution as an integral part of both the criminal and civil justice systems and it would therefore be following in a very tried and trusted tradition.

Mr. Speaker, I was listening to the Member for St. Ann's East who mentioned certain reservations he had. I would like to let him know that in looking through our five years in this matter, this started way back in 1994 when Dr. Ramesh Deosaran wrote the Permanent Secretary in the Ministry of Social Development on November 23, 1994 and the matter was taken to Cabinet by the then Prime Minister and he appointed a task force which comprised the Minister of Education and Culture, the Minister of Social Development, the Attorney General and the Minister of Legal Affairs and one other person. They requested Dr. Deosaran to do a paper which he did. It was entitled *Mediation As A Community Alternative To Litigation For Young Offenders* which was written in 1994 and he quoted the hon. Prime Minister, Mr. Patrick Manning on Sunday 20, 1994 where he said bold and creative steps were now necessary to deal with some of the problems which were facing us.

The report states:

"Given all the experience and evidence available, a bold step is required to deal with young offenders in this country. A proposal for an alternative method of treating those committing minor crimes and offences in this country is considered necessary. A community-based mediation system is therefore proposed in light of:

1. The inability of the formal court route to handle such offenders efficiently.

2. The very large number of minor crimes and offences committed annually.

3. The very large proportion of minor crimes and offences which remain undetected annually.

4. The large proportion of young offenders who fall within the category of minor crimes and offences annually.

5. The growing emphasis of the Government and in particular the Ministry of Social Services in seeking alternative ways to treat young offenders, especially those offenders with first time offences or

limited crime records and who come from deprived social backgrounds.

6. The need for less emphasis on incarceration and punishment and more emphasis on community-based mediation and rehabilitation strategies.

7. The need for both offender and the aggrieved victim to form a durable community-based partnership which could possibly lead to both reparation to the victim and rehabilitation of the young offender."

Mr. Speaker, I read what was done in 1994 and when the Members spoke I know they were not in the Government at that time, but this was since 1994 and it is only today in 1998 that we could come forward with this important piece of legislation.

I would like to answer the Member for Laventille East/Morvant when he asked about the Community Service Orders. We would proclaim that legislation within the next month or so and when it comes the courts of this country would use it. As we have mentioned on this side before, we must reach our communities and ensure that they are empowered, and as stated quite emphatically here, there is need to have durable community-based partnership and this was said before and it is only now that this Government is in place we are seeing what could happen with good planning and good governance.

Mr. Speaker, community mediation is a viable option for dispute resolution. It gives citizens the opportunity to avoid the formal court setting as far as possible and empowers communities with the ability to settle matters about themselves for themselves. In other words, the potential of community mediation includes grass roots people who could now see themselves with a role to improve civil society by guarding and promoting lawfulness.

Mr. Speaker, this Bill goes deeper and I am sure when it is practised, it would encourage our people in the society to understand what is happening in the community and when persons on the other side try to interfere with what is happening in the Government of this country, it is because we know they had everything, they had good work done by people and it was just put in an old file and filed away. This Government is about putting its thoughts into action and it is here today with this Community Mediation Bill.

May I say to the Member for Diego Martin Central that mediation speaks of peaceful, non-judicial resolution to violence and conflict. It is about restorative justice seeking for a means to treat offences and matters of conflict in a manner which involves civil society, rather than leaving it all up to the structured calculated world of courts, lawyers, professionals, and in many instances, at the end of the rope, prison walls.

**6.00 p.m.**

It is in this way that this attempt to penal reform takes on a human face, and it is regarded as a special reform. The latter observation affords me the opportunity to focus on the importance of this piece of proposed legislation to the Ministry of Social Development; the Ministry of the people.

Mr. Speaker, I am not finished with my contribution and I will continue on the next occasion. *[Laughter] [Interruption]*

**Mr. Speaker:** Order! Order!

## ADJOURNMENT

**The Minister of Public Utilities (Hon. Ganga Singh):** Mr. Speaker, I beg to move that this House do now adjourn to Friday, May 22, 1998, at 1.30 p.m.

Mr. Speaker, by agreement between the Leader of Government Business and the Chief Whip, that day would be Private Members' Day and the first Motion on the Order Paper would be dealt with.

**Mr. Speaker:** Hon. Members, before I put the question for the adjournment of this House, there is a matter to be raised on the Motion for the Adjournment by the Member for Laventille East/Morvant: The chaotic state of the Unemployment Relief Programme in the Laventille/San Juan area.

## URP Laventille/San Juan (Chaotic state)

**Mr. Fitzgerald Hinds** *(Laventille East/Morvant)*: Mr. Speaker, the Laventille/San Juan area, as it relates to the operation of the Unemployment Relief Programme at this time, is in a state of abject confusion. The genesis of this confusion, as we recognize it, began in November, 1995. It had, directly, to do with the Member for Couva North and the things he implanted in the minds of his ministers-to-be, when he realized he would have been Prime Minister of this country.

Mr. Speaker, we saw, bursting onto the horizon, a man whom the newspapers described as "Sensational Sadiq", the hon. Minister of Works and Transport. He had a few persons around the Laventille/San Juan area—misguided a few of them—wearing T-shirts marked "Dawn breaks in Laventille". Mr. Speaker, the reality is that no dawn ever broke. Today the Laventille/San Juan area is in utter confusion and darkness.

He came foolishly—if I may say so—wanting to use the Unemployment Relief Programme to gain political mileage. I do not know what happened to him, but he felt that he could have jumped on the back of the proverbial tiger and hoped to ride himself through Laventille to do the impossible. The upshot of that was, he encouraged some of the worst elements of the Unemployment Relief Programme back to the programme.

We have to give some credit to the Member for Tobago West and the NAR government for, at least, recognizing the importance of order, as we left it and the NAR government continued the order through it's time in government. When the PNM government returned to office that process continued. However, from the time this UNC Government came to office, all hell broke loose—confusion, Mr. Speaker. *[Desk thumping]*

It has come to the point where unauthorized persons have been threatening legitimately authorized persons and have taken control of the programme. Mr. Speaker, you would recall recently—I am not an investigator, I do not know who did it—there have been shooting incidents up and down Laventille and San Juan. The people are saying, today, that it appears to be the design of this Government, which has asked the Minister of Finance—perhaps on the Prime Minister's instructions—to cut the programme by something like 75 per cent. What used to be an allocation of about $32 million—$35 million is now $14 million for the Laventille/San Juan area. It is like asking the persons who operate that programme to share seven loaves and seven fishes among the multitudes, and they are not Jesus Christ.

The programme was then—as a matter of Government's policy—moved from the careless and lacking of managerial skills of the hon. Minister of Works and Transport. We have information that the Unemployment Relief Programme, under the hon. Minister of Works and Transport, over-spent something like $70 million last year. That is partly the reason money is as short as it is and confusion reigns in Laventille/East Morvant today.

The programme has been removed from the Minister of Works and Transport to the Ministry of Local Government and that has made it no better. You may have heard or read, Mr. Speaker, that persons who are involved in the programme are now saying they want to see the back of the Minister of Local Government, the Minister of Works and Transport, the Member for Couva North, and the entire UNC Government, because they are responsible for strife, confusion and division in the Laventille/San Juan area today.

It is chaos ever more and one is hearing much about ghost gangs. We know they have always existed, nobody could hide that, whatever system one puts in place cannot be foolproof. However, what is clear today is that there is probably more confusion and more everything wrong, than anytime in the history of the Unemployment Relief Programme in this country and it is all to the credit—if I could call it that—or to the discredit, more correctly, of the UNC/NAR/Independent coalition.

Mr. Speaker, we understand—to use the Prime Minister's words—that certain deleterious elements have strong play in this whole matter, order is a thing of the past. The Minister of Local Government, recognizing the truthfulness of what I have just said—when the Laventille/San Juan Regional Corporation realized that they were not able to manage the programme with these scant resources and with the breakdown in security and the threats to human lives which now subsist, they decided to drop the programme until proper arrangements could be put in place. The corporation had to beg the Minister of Local Government for an appointment. When they finally met, he made, as usual, typical UNC promises about improved security and other things.

Mr. Speaker, the situation is not at all improved and the upshot of it is what one heard outside of these hallowed Chambers today; persons are screaming at the top of their voices, tearing their hair out in frustration at this UNC Government. This is having a serious impact because it is threatening the very security and stability of the region and, indeed, the country. However, the minute that is said, the hon. Prime Minister in his typical UNC way would say that we are encouraging violence.

Mr. Speaker, that is not the case because the People's National Movement stands for order and our track record demonstrates that. All the disorder we have seen came during the reign of the UNC Government, who was "Sensational Sadiq" is now "Sour Sadiq" and nobody wears those T-shirts anymore. People cannot afford to buy those T-shirts any more because they are hungry and starving. Many

persons depend on the Unemployment Programme, we have tried to encourage them to be enterprising and to find permanent work, but confusion, as I have said.

Things have gotten to the critical stage now where banks are refusing to honour Government cheques payable by way of the URP. No bank would touch it! We have seen persons suffering the indignity of lining up in the sun, in all kinds of conditions to get paid. Mr. Speaker, do you know what this Government has now arranged? A payroll is going to the community in a vehicle with security officers inside to pay moneys in cash, in an area where the Government has left security unattended; where this Government has encouraged disorder and decided—it would appear—to set up man against man, woman against woman and apparently saying to themselves, "whatever implosion or explosion takes place it would not affect us".

**6.10 p.m.**

"We stay in Whitehall or level 20 at the Twin Towers, it is only going to adversely affect people who are caught in that little circle", and the people are recognizing that.

Mr. Speaker, it will not be long—and this is not to encourage it, if that absence of security and that wanton carelessness for the people and for safety, order and security continues—before, next thing some little unthinking madman runs into that payroll and attempts to take control over it, risking more lives than limb in the process. Again, the Government will have to take the blame squarely for that madness. We know fully well who has encouraged all the deleterious elements. We know who has encouraged the disorder and we are watching.

So, in conclusion, and I am now expressing the sentiments of the people who work in the Unemployment Relief Programme—I never did one 10 days in all my life—I am expressing the sentiments of all those who we represent in San Juan and Laventille and all the areas affected by this UNC madness and chaos. They want peace, safety and security returned to the programme and to the area. That is what they want. They want the Government, not to pretend, not to talk empty words, not to talk and pretend that it cares, but to show genuine concern for the reality, the social circumstances in San Juan and Laventille, where these people do not have access to resources as other parts of the country; and the resources that went to them by way of this state programme has been drastically cut and the people are feeling the pain. They have asked me, as the representative for Laventille East/Morvant, to say so in here and to call on the Government to be genuinely caring, if that is possible.

Mr. Speaker, finally, they are asking that the Minister of Local Government stop playing games with the programme and understand that some people's well-being and their children's ability to go to school and to be nourished, to some extent, small or large, depend on the programme and it is time that they take that business seriously.

Thank you kindly, Mr. Speaker. *[Desk thumping]*

**The Minister of Local Government (Hon. Dhanraj Singh):** Mr. Speaker, the Member for Laventille East/Morvant spoke with a certain amount of venom, you can feel a certain amount of hate in the way he spoke, but he really has not taken time to understand how the new URP programme is supposed to function and work in 1998.

Now, in the budget, the Minister of Finance indicated that the URP programme will be assigned to the Ministry of Local Government and one of the reasons advanced for doing so is that the programme would be better managed, there will be greater efficiency, there will be more accountability. The programme has, therefore, been decentralized to the 14 regional corporations.

Now, let me first state that these corporations are managed by a board of directors, councillors, who have been elected by the people of the various regions and who are responsible for the management of the corporations. The Unemployment Relief Programme has been decentralized to these 14 corporations. The financial resources of URP have also been placed in the hands of these 14 corporations. If the Member for Laventille East/Morvant is saying that the programme in the San Juan area is chaotic, then the problem lies with the San Juan/Laventille Corporation and its board of directors. At this point in time, the programme, as it stands, is one where it has been decentralized, where policy decisions are made at the central office and implementation is being taken at the regional corporations.

**Mr. Valley:** That is not correct and you know it.

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

**Hon. D. Singh:** The funds and the management of URP are in the hands of the regional corporation. If a corporation has no vision—

**Mr. Hart:** The Jamaat have any vision?

**Hon. D. Singh:** —no strategic plan, then that corporation will not be able to handle new programmes. It is a completely different thinking behind this programme.

*[Crosstalk]*

**Mr. Speaker:** Order.

**Hon. D. Singh:** The Ministry of Local Government has been in consultation with all of the 14 corporations and it is peculiar that the problem is only happening in the San Juan/Laventille area. In the rest of the corporations, everything is working smoothly.

**Mr. Narine:** That is not true.

**Hon. D. Singh:** They have been allocated resources and they are doing their own recruitment and everything is functioning properly. What is the problem in the San Juan/Laventille area? The problem in the San Juan/Laventille area is one where because of the new system where there is greater management of the financial resources, where there is more transparency, where there is more supervision, any discrepancy in the programme is easily detected; any discrepancy. A situation had occurred where there were attempts to create some ghost gangs; and it was easily detected.

So all these chaotic situations are a smokescreen. It is those who are indulging in the practice of illegally claiming Government funds, who had 50 ghost gangs, they have now found themselves displaced and they are aggrieved. They have also attacked the board of management of the San Juan/Laventille Corporation. They have attacked the councillors in that area because the councillors also, while they have their own problems, they have tried their best and the Member for Laventille East/Morvant knows that it is not really the councillors, but really the elements that were displaced. So to come here and say that the programme is in a chaotic state is misleading. *[Crosstalk]*

**Mr. Speaker:** Hon. Members would know, and it is hardly necessary for me to remind them that a Parliament could not and should not be conducted in the way in which some market-places are conducted. We deserve better than that. If the Member for Tunapuna wants to speak, there are lots of opportunities for him to access speech, and if the Member for Arouca North wants to speak, likewise, but it is unacceptable while a Member is responding to something another Member said, to be shouting across the floor like that. There is a limit, it is not every time you do it that I raise, but I ask you please, to lift the standards and please desist. The Member for Diego Martin Central knows it is not necessary for me to remind him.

**Mr. Valley:** I know you want us to set an example in this Parliament, Mr. Speaker.

**Hon. D. Singh:** Mr. Speaker, when the programme started the Ministry did all within its power to put in place all the necessary infrastructure to make the programme work, but those elements which had a vested interest attempted to take over the operation of the URP. Now, based on representation made by the council, the Ministry of Local Government has been working with the Ministry of National Security to get rid of that problem. One is well aware of what we are doing in this area; Members here would know that the police are very visible on the compound of the URP office at Mount Hope. This change, this transition, this new thinking behind the URP, this decentralized URP would cause some problems in those areas that have been problematic. There would be problems, but I can assure you that the ministry is working with the corporation to solve all of those problems.

A point was made about the funding. The funding to each of these corporations was based on the unemployment statistics. The records will show in the Ministry where the data was provided by the Central Statistical Office, and based on this, moneys have been allocated. Would you believe that the San Juan/Laventille Corporation has surpluses on its URP account to date? That means that it has not been able to spend its monthly allocation that has been provided by the Ministry. *[Desk thumping]* At this point in time in the programme, there are well over 100 URP gangs in the San Juan/Laventille region, and there is room for additional gangs. This does not take into account the attempt at 50 ghost gangs, which were easily detected and for which the Corporation did not pay, and probably that is why we have this kind of demonstration taking place.

So, Mr. Speaker, I must compliment those councillors, the officers of the Corporation, for doing a job, given this trying situation, and we in the Ministry, as I said, will be working with them to getting the programme fully established, all these problems resolved, so that they can move forward in delivering the relief to unemployed.

It is passing strange that the Member for Laventille East/Morvant has spoken about starving and hungry constituents. After 30 years of PNM rule, solid PNM support in Laventille East, the Member can get up today and say this evening in this House that there are hungry and starving people in San Juan/Laventille. *[*Desk *thumping]*

**6.25 p.m.**

The programme as it is will ensure that the unemployed benefit, but the elements must be removed from the programme so it could really be given a chance.

The councillors must also be broadminded in their vision and not go about passing recruitment slips only to PNM supporters. When the programme was given out, everybody wanted to know how this Government could give away the URP programme, but it is because the Government has a vision and is broad thinking. We gave the programme to PNM corporations with the intentions that they would give everybody employment. If it is that the councillors have taken a narrow vision in which they are only giving their supporters work, one can expect problems in the region. Therefore, while we have elements that work against the programme, the councillors must be broad in their vision and thinking and give the unemployed the jobs, the money that has been allocated to this programme.

Thank you. *[Desk thumping].*

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 6.28 p.m.*

## WRITTEN ANSWERS TO QUESTIONS

### Monthly Water Production Rates

**75. Mr. Eric Williams** *(Port of Spain South)* asked the Minister of Public Utilities to inform this honourable House of the monthly production rates of water listed by facility (e.g. dams and water well fields) over the period November 1995 to present?

**The Minister of Public Utilities (Hon. Ganga Singh):** Mr. Speaker, the production rates of water expressed in mega litres per day (Ml/d), averaged on a monthly basis for the various facilities operated by the Water and Sewerage Authority (WASA), over the period November, 1995 to present, have been tabulated for ease of reference and is presented in the attached appendix for the information of the honourable House.

| DATE | SURFACE WATER | | | | | | GROUND WATER | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | DAMS | | | | | OTHER SOURCES | REGIONS | | | TOTAL |
| | Caroni | North Oropouche | Navet | Hollis | Hillsborough | (Rural Intakes/ Springs) | North | South | Tobago | OF ALL SOURCES |
| | (MI/d) | (MI/d) | (MI/d) | (MI/d) | (MI/d) | (MI/d) | (MI/d) | (MI/d) | (MI/d) | (MI/d) |
| Nov-95 | 218.12 | 68.41 | 82.90 | 26.35 | 9.10 | 64.72 | 136.20 | 52.24 | 0.26 | 658.30 |
| Dec-95 | 208.69 | 74.71 | 83.76 | 20.93 | 8.19 | 64.04 | 145.55 | 38.44 | 0.25 | 644.56 |
| Jan-96 | 211.18 | 69.45 | 85.44 | 12.25 | 5.52 | 64.50 | 148.10 | 60.10 | 0.28 | 656.82 |
| Feb-96 | 231.49 | 70.47 | 85.54 | 9.54 | 4.34 | 65.00 | 148.50 | 56.10 | 0.26 | 671.24 |
| Mar-96 | 229.68 | 68.82 | 85.32 | 9.54 | 6.53 | 63.27 | 139.01 | 56.10 | 0.24 | 658.51 |
| Apr-96 | 209.07 | 52.49 | 76.81 | 9.45 | 7.86 | 46.81 | 137.71 | 54.81 | 0.27 | 595.30 |
| May-96 | 227.25 | 63.63 | 77.27 | 9.09 | 6.82 | 65.45 | 136.35 | 50.90 | 0.18 | 636.94 |
| Jun-96 | 245.43 | 68.18 | 81.81 | 15.00 | 6.82 | 68.18 | 137.71 | 51.36 | 0.45 | 674.93 |
| Jul-96 | 240.89 | 63.63 | 86.36 | 16.36 | 6.82 | 68.18 | 138.17 | 53.18 | 0.45 | 674.02 |
| Aug-96 | 229.52 | 74.99 | 79.54 | 29.54 | 8.18 | 67.72 | 133.62 | 52.27 | 0.45 | 675.84 |
| Sep-96 | 245.43 | 68.18 | 86.36 | 36.36 | 9.09 | 74.99 | 127.26 | 49.54 | 0.45 | 697.66 |
| Oct-96 | 245.43 | 65.90 | 84.08 | 36.36 | 10.45 | 71.81 | 132.26 | 45.00 | 0.45 | 691.75 |
| Nov-96 | 240.89 | 72.72 | 86.36 | 36.36 | 11.36 | 65.90 | 140.44 | 45.45 | 0.45 | 699.93 |
| Dec-96 | 249.98 | 77.27 | 81.81 | 36.36 | 9.09 | 72.72 | 137.71 | 52.72 | 0.45 | 718.11 |
| Jan-97 | 249.98 | 77.27 | 86.36 | 36.36 | 9.09 | 77.27 | 136.35 | 51.81 | 0.00 | 724.47 |

| DATE | SURFACE WATER | | | | | | GROUND WATER | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | DAMS | | | | | OTHER SOURCES | REGIONS | | | TOTAL |
| | Caroni | North Oropouche | Navet | Hollis | Hillsborough | (Rural Intakes/ Springs) | North | South | Tobago | OF ALL SOURCES |
| | (MI/d) | (MI/d) | (MI/d) | (MI/d) | (MI/d) | (MI/d) | (MI/d) | (MI/d) | (MI/d) | (MI/d) |
| Feb-97 | 254.52 | 72.72 | 93.17 | 38.63 | 6.82 | 79.54 | 140.90 | 54.54 | 0.45 | 741.29 |
| Mar-97 | 249.98 | 74.99 | 86.36 | 36.36 | 4.55 | 76.13 | 140.90 | 54.54 | 0.45 | 724.25 |
| Apr-97 | 253.79 | 76.31 | 86.72 | 38.22 | 5.59 | 83.22 | 135.44 | 61.81 | 0.45 | 741.56 |
| May-97 | 252.25 | 79.63 | 87.54 | 38.22 | 6.23 | 81.81 | 137.08 | 56.40 | 0.45 | 739.61 |
| Jun-97 | 256.47 | 71.13 | 85.22 | 38.22 | 7.77 | 76.31 | 140.99 | 56.77 | 0.50 | 733.38 |
| Jul-97 | 258.38 | 81.31 | 86.31 | 38.22 | 9.00 | 72.99 | 132.71 | 57.18 | 0.50 | 736.61 |
| Aug-97 | 254.07 | 83.58 | 84.99 | 38.22 | 9.00 | 76.22 | 135.67 | 53.18 | 0.50 | 735.43 |
| Sep-97 | 246.11 | 82.72 | 88.54 | 37.09 | 7.77 | 80.08 | 135.76 | 52.09 | 0.27 | 730.43 |
| Oct-97 | 245.48 | 92.13 | 88.54 | 38.22 | 8.04 | 81.22 | 134.49 | 52.49 | 0.23 | 740.84 |
| Nov-97 | 275.25 | 80.54 | 87.17 | 38.22 | 9.59 | 76.36 | 143.03 | 55.36 | 0.23 | 765.74 |
| Dec-97 | 275.11 | 98.99 | 88.54 | 38.22 | 6.09 | 93.35 | 142.03 | 58.40 | 0.27 | 801.01 |
| Jan-98 | 273.34 | 90.99 | 86.40 | 37.04 | 5.23 | 88.63 | 144.99 | 61.40 | 0.36 | 788.38 |
| Feb-98 | 273.34 | 79.67 | 87.40 | 30.32 | 5.04 | 87.85 | 140.12 | 63.90 | 0.32 | 767.97 |
| Mar-98 | 278.20 | 64.13 | 86.90 | 26.27 | 4.73 | 75.31 | 136.62 | 62.31 | 0.27 | 734.74 |

## Monthly Rainfall Rates

**76. Mr. Eric Williams** *(Port of Spain South)* asked the Minister of Public Utilities:

(a) Would the Minister inform this House of the monthly rainfall rates for Trinidad and for Tobago over the period November 1995 to present?

(b) Would the Minister also inform this House of the ten-year average and the twenty-year average rainfall amounts for each month of the year to date?

**The Minister of Public Utilities (Hon. Ganga Singh):** Mr. Speaker, based on the statistics supplied by the Meteorological Service Division, the monthly rainfall aggregates for Trinidad and for Tobago over the period November 1995, to April 30, 1998 are as follows:

Aggregate Monthly Rainfall for Trinidad (m.m.)

| MONTHS | 1995 AVERAGE RAINFALL (m.m.) | 1996 AVERAGE RAINFALL (m.m) | 1997 AVERAGE RAINFALL (m.m) | 1998 AVERAGE RAINFALL (m.m) |
|---|---|---|---|---|
| January | | 51.7 | 85.1 | 32.4 |
| February | | 28.9 | 111.5 | 29.5 |
| March | | 18.9 | 26.5 | 12.7 |
| April | | 30.9 | 397.9 | 13.4 |
| May | | 202.6 | 61.9 | |
| June | | 333.1 | 275.5 | |
| July | | 287.4 | 312.0 | |
| August | | 207.1 | 189.5 | |
| Septembr | | 203.6 | 136.2 | |
| October | | 148.5 | 124.9 | |
| November | 112.9 | 174.3 | 357.5 | |
| December | 74.3 | 120.3 | 73.0 | |

Aggregate Monthly Rainfall for Tobago (m.m.)

| MONTHS | 1995 AVERAGE RAINFALL (m.m.) | 1996 AVERAGE RAINFALL (m.m) | 1997 AVERAGE RAINFALL (m.m) | 1998 AVERAGE RAINFALL (m.m) |
|---|---|---|---|---|
| January | | 72.9 | 57.5 | 59.9 |
| February | | 27.0 | 120.8 | 26.7 |
| March | | 39.7 | 43.7 | 12.7 |
| April | | 22.7 | 52.1 | 25.2 |
| May | | 194.9 | 52.2 | |
| June | | 180.8 | 218.7 | |
| July | | 155.3 | 191.7 | |
| August | | 129.7 | 175.0 | |
| September | | 152.4 | 60.7 | |
| October | | 186.0 | 248.2 | |
| November | 86.5 | 238.3 | 153.6 | |
| December | 121.8 | 214.4 | 184.0 | |

Details of the ten-year average monthly rainfall (1987 to 1997) and the twenty-year average monthly rainfall (1977 to 1997) for Trinidad and for Tobago are as follows:

TRINIDAD

| MONTHLY | 10 YEAR AVERAGE RAINFALL (m.m.) | 20 YEAR AVERAGE RAINFALL (m.m.) |
|---|---|---|
| January | 51.990 | 62.0 |
| February | 41.2 | 42.6 |
| March | 24.8 | 32.4 |
| April | 33.0 | 54.9 |

| MONTHLY | 10 YEAR AVERAGE RAINFALL (m.m.) | 20 YEAR AVERAGE RAINFALL (m.m.) |
|---|---|---|
| May | 104.7 | 127.1 |
| June | 223.0 | 268.9 |
| July | 228.4 | 252.0 |
| August | 262.8 | 261.3 |
| September | 218.2 | 201.6 |
| October | 222.3 | 218.1 |
| November | 262.7 | 238.0 |
| December | 147.6 | 170.9 |

TOBAGO

| MONTHS | 10 YEAR AVERAGE RAINFALL (m.m.) | 20 YEAR AVERAGE RAINFALL (m.m.) |
|---|---|---|
| January | 39.0 | 43.8 |
| February | 59.0 | 48.4 |
| March | 32.4 | 32.9 |
| April | 31.0 | 40.8 |
| May | 53.6 | 60.4 |
| June | 170.9 | 159.9 |
| July | 200.1 | 185.0 |
| August | 166.9 | 156.3 |
| September | 190.3 | 174.7 |
| October | 188.8 | 185.8 |
| November | 228.0 | 195.0 |
| December | 97.9 | 133.3 |

**Water and Sewerage Authority**
**(Transmission Rates)**

**77. Mr. Eric Williams** *(Port of Spain South)* asked the Minister of Public Utilities:

(a) Would the Minister inform this House of the rate of transmission of water by the Water and Sewerage Authority (WASA) on a monthly basis over the period November to present?

(b) Insofar as one of WASA's main source of revenue is the income from water rates, would the Minister inform this House of the gross monthly revenue and expenditure of WASA over the period November 1995 to present?

**The Minister of Public Utilities (Hon. Ganga Singh):** Mr. Speaker, since the specific year for the start of the period under consideration was not stipulated, it is assumed that the hon. Member is interested in the period November 1995 to present, as indicated in part (b) of his question. Accordingly, the requested information is being supplied to cover this period, and the rate of transmission of water is given in millions of imperial gallons per day (mgd) averaged on a monthly basis.

In this regard, the Water and Sewerage Authority (WASA) has advised that the rate of transmission of water on a monthly basis over the period November 1995 to March 1998 is as follows:

Transmission Flows
(Million of Imperial Gallons Per Day
averaged on a monthly basis)

| Months | 1995 | 1996 | 1997 | 1998 |
|---|---|---|---|---|
| January | - | 145.01 | 159.57 | 173.65 |
| February | - | 147.85 | 163.27 | 169.15 |
| March | - | 145.04 | 159.52 | 161.83 |
| April | - | 131.12 | 163.33 | |

| Months | 1995 | 1996 | 1997 | 1998 |
|---|---|---|---|---|
| May | - | 140.29 | 162.90 | |
| June | - | 148.66 | 161.53 | |
| July | - | 148.46 | 162.24 | |
| August | - | 148.86 | 161.98 | |
| September | - | 153.66 | 160.88 | |
| October | - | 152.36 | 163.18 | |
| November | 145 | 154.16 | 168.66 | |
| December | 141.09 | 158.174 | 176.43 | |

As computed by WASA, the gross monthly revenue comprises the following elements of income:

- Water Revenue
- Sewer Revenue
- Interest Income, and
- Other Miscellaneous Income.

On the other hand, the gross monthly expenditure comprises the following:

- Salaries and Wages
- Expenses on premises
- Supplies and Services
- Transport and Plant
- Administrative and company expenses
- Depreciation, and
- Other Miscellaneous expenses

The gross average monthly revenue and expenditure of WASA for the period 1995 to March 1998 are as follows:

| Year | Gross Average Revenue | Gross Average Expenditure |
|---|---|---|
| 1995 | 23,658,629 | 38,379,719 |
| 1996 | 22,039,103 | 39,927,678 |
| 1997 | 24,115,072 | 45,654,010 |
| 1998 (January-March) | 23,703,090 | 39,200,236 |