

*Leave of Absence*

*Wednesday, September 1, 1999*

**HOUSE OF REPRESENTATIVES**

*Wednesday, September 1, 1999*

The House met at 2.33 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 the Member for Arouca South, who has advised of her inability to attend the sitting of the House today, and who has asked to be excused. I have also received communication from the Member for Port of Spain North/St. Anns West, who is out of the jurisdiction and who has asked to be excused from sittings of the House between today and October 1, 1999. The leave of absence which these two Members seek is granted.

**NATIONAL SAFETY COUNCIL TRINIDAD AND TOBAGO (INC'N) BILL**

A Bill for the incorporation of the National Safety Council of Trinidad and Tobago and for matters incidental thereto brought from the Senate [*Parliamentary Secretary in the Ministry of Works and Transport*]; read the first time.

**PAPERS LAID**

1. Report of the Auditor General on the Accounts of the Mayaro Regional Corporation for the period October 1 to December 31, 1991. [*The Attorney General (Hon. Ramesh Lawrence Maharaj)*]
2. Report of the Auditor General on the Accounts of the Mayaro Regional Corporation for the year ended December 31, 1992. [*Hon. R. L. Maharaj*]
3. Report of the Auditor General on the Accounts of the Rio Claro Regional Corporation for the period October 1 to December 31, 1991. [*Hon. R. L. Maharaj*]
4. Report of the Auditor General on the Accounts of the Rio Claro Regional Corporation for the year ended December 31, 1992. [*Hon. R. L. Maharaj*]
5. Report of the Auditor General on the Accounts of the Nariva/Mayaro County Council for the period January 1 to September 30, 1991. [*Hon. R. L. Maharaj*]
6. Report of the Auditor General on the Accounts of the Nariva/Mayaro County Council for the period October 1 to December 31, 1991. [*Hon. R. L. Maharaj*]

*Papers Laid*

*Wednesday, September 1, 1999*

*Papers 1 to 6 to be referred to the Public Accounts Committee.*

7. The Audited Annual Financial Statements of Trinidad and Tobago Mortgage Finance Company Limited for the year ended December 31, 1998. [*Hon. R. L. Maharaj*]

*To be referred to the Public Accounts (Enterprises) Committee.*

8. Loan Contract No. 1180/OC-TT between the Republic of Trinidad and Tobago and the Inter-American Development Bank, Secondary Education Modernization Program, July 6, 1999. [*Hon. R. L. Maharaj*]
9. The Fifty-sixth Report of the Salaries Review Commission on a Review of the Salaries and other Conditions of Service of the Offices of Executive Director and Deputy Executive Director, National Library and Information System. [*Hon. R. L. Maharaj*]
10. Report of the Auditor General on the Accounts of the San Juan/Laventille Regional Corporation for the year ended December 31, 1996. [*Hon. R. L. Maharaj*]

*To be referred to the Public Accounts Committee.*

#### ORAL ANSWERS TO QUESTIONS

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I did not have the opportunity of talking to the Opposition Chief Whip because of the weather, which obviously, prevented some persons from coming in a few minutes before. [*Laughter*]

Mr. Speaker, the Government would be able to answer two of the three questions on the Order Paper today and we will be asking for a deferral until Friday 3, 1999 of question No. 77.

*The following question stood on the Order paper in the name of Mr. Roger Boynes (Toco/Manzanilla):*

#### **Rural Transport Service (Cost Incurred)**

77. (a) Could the Minister of Works and Transport indicate the cost of purchasing the buses used in the Rural Transport Service?
- (b) Could the Minister also indicate:
- i. the cost of refurbishing these buses;

- ii. whether the refurbishing was done by contract and if so, who was the contractor and what system was used for determining the award of the contract?

*Question, by leave, deferred.*

**Mr. Kenneth Valley:** Mr. Speaker I was going to ask that that question be deferred in any case. That is fine.

**Foreign Financial Institution  
(US-Dollar Loan/Bond)**

**75. Mr. Kenneth Valley** (*Diego Martin Central*) asked the Minister of Finance:

- (a) Could the Minister inform the House whether the Government has awarded a mandate to any foreign financial institution to raise a US Dollar-based loan or bond on its behalf?
- (b) If the answer is in the affirmative, could the Minister state on what basis the foreign financial institution was chosen?

**The Minister of Finance (Sen. The Hon. Brian Kuei Tung):** Mr. Speaker, with respect to (a) the Government of Trinidad and Tobago has appointed Credit Suisse First Boston Corporation of the United States of America to act as lead manager of a US \$250 million Euro-Bond issue on behalf of the Government of the Republic of Trinidad and Tobago.

Credit Suisse First Boston Corporation was chosen on the basis of its professional capacity and relevant experience. Credit Suisse First Boston Corporation has worked with Trinidad and Tobago in the past, and more recently in developing project funding for major international companies investing in the energy sector.

Credit Suisse First Boston Corporation is familiar with the economic performance of the Republic of Trinidad and Tobago, having lead-managed two Euro-Bond issues and participated in other bond issues, since the Republic's re-entry into the national capital market in 1992.

**2.40 p.m.**

**Letters of Comfort Recipients  
State Lands (Regularisation of Tenure)**

**76. Mr. Kenneth Valley** (*Diego Martin Central*) asked the Minister of Housing and Settlements:

1. Could the Minister inform the House:
  - (a) the number of persons who have received Letters of Comfort as at July 24, 1999;
  - (b) the date on which section 9(2) of the State Lands (Regularisation of Tenure) Act, 1998 (Act No. 25 of 1998) was complied with;
  - (c) the date on which sections 11(2) and 11(3) of Act No. 25 of 1998 were complied with by each applicant?
2. Could the Minister inform the House whether an adult child of a person who qualifies for regularisation under Act No. 25 of 1998 would be given preference for regularisation where the property exceeds one lot?

**The Minister of Housing and Settlements (Hon. John Humphrey):** Mr. Speaker, the number of persons who had received Certificates of Comfort as at July 24, 1999 is 133 and I have an Appendix with all the details which I can pass on. It is too lengthy to put on the record.

The date on which section 9(2) of the State Lands (Regularisation of Tenure) Act, No. 25 of 1998 was complied with is noted in the *Trinidad and Tobago Gazette* Vol. 38, No. 95 dated May 21, 1999 and the dates on which section 11(2) and (3) of the Act were complied with by each applicant vary between June 28 and July 7 and, again, the dates are all in detail in the Appendix that I will pass to the hon. Member.

The policy of the Land Settlement Agency is that an adult child of a person who qualifies for regularisation under Act No. 25 of 1998 will not be given preference over other applicants for allocation of surplus lots in regularisation sites. That adult child is free to apply for the surplus lot or for any lot in one of the Agency's land settlement areas and to compete on an even footing with other applicants.

Under the Constitution, Chap. 1:01, section 4(d) states that all citizens are entitled:

“...to equality of treatment from any public authority in the exercise of any functions;”

To give preference to the adult child will be inequitable. Such preference is not given by other public bodies, including the National Housing Authority, the Sugar Industry Labour Welfare Committee, or the Ministry of Planning and

Development as outlined in a 1992 document entitled, "A New Administration and Distribution Policy for Land".

Act No. 25 of 1998 sought to regularise settlers who, out of frustration over the price and rate of delivery of service lots, resorted to unauthorised occupation of state lands before January 1, 1998. It was never intended that the benefits of the Act should be further extended to the applicant's children ahead of the many thousands of landless citizens waiting in line for the allocation of a lot.

**Mr. Valley:** Mr. Speaker, supplemental if you would allow. I wonder whether the Minister would inform this House whether he had, in fact, stated prior to the coming into force of Act No. 25 of 1998 that adult children of squatters would be given preference in situations where the land area exceeded the one lot?

**Hon. J. Humphrey:** Mr. Speaker, in the squatter regularisation programme funded by the Inter-American Development Bank, there is, in fact, a provision that if there are surplus lots in any of those areas, that adult children of the beneficiaries would be given first preference. That has been done. But in this programme which falls under legislation, we are, in fact, bound by the provisions of the Constitution so all citizens have to be treated equally.

**Mr. Valley:** Mr. Speaker, further supplemental question arising out of that. Is the Minister saying that under the Inter-American Development Bank, the Constitution of Trinidad and Tobago does not obtain, while in this instance, the Constitution obtains?

**Hon. J. Humphrey:** Mr. Speaker, the Inter-American Development Bank loans have very stringent conditionalities. In fact, part of the conditionality of the loan was to adopt a policy where adult children of those squatter areas that were being regularised and funded by that programme would, in fact, be given an option to acquire surplus lots. It is a very different programme from the one under the Squatter Regularisation Act.

**Mr. Valley:** I understand, Mr. Minister. But, is the Minister saying that doing that in that instance was, in fact, in breach of the Constitution? Is that the point that is being made, that was in breach of the Constitution, that is why you are not doing it on this occasion?

**Hon. J. Humphrey:** Mr. Speaker, I will have to refer that question to the hon. Attorney General.

**Mr. Valley:** Another supplemental please, Mr. Speaker. I wonder whether the Minister would inform the House whether the prescribed form which an applicant

has to use in applying for regularisation is ready. And, could he direct an applicant to the office where he can obtain such a prescribed form?

**Hon. J. Humphrey:** The Appendix which was handed to the hon. Member, in fact, is in detail indicating that there were three forms which had to be filled out and they were filled out in the case of everyone receiving a Certificate of Comfort, so they are complying with all the requirements of the law and the address is the ground floor of the National Housing Authority building at South Quay.

**Mr. Valley:** I have to ask that, Mr. Minister, because I have written your Chief Executive Officer on two occasions—

**Mr. Speaker:** No. No speeches; just supplemental.

**Mr. Valley:** Thank you, Mr. Speaker. Supplemental, could one obtain prescribed forms from the co-ordinator of the Land Settlement Agency by writing? Could a Member of Parliament obtain these, so that he can assist his constituents in the regularisation process?

**Hon. J. Humphrey:** Mr. Speaker, I do not have a problem with that if the constituents want to operate through the representative. In fact, the representative could help the Agency in doing some of that work. That would be welcome there.

**Mr. Valley:** Thank you, Mr. Speaker. Final supplemental. I wonder whether the Minister could inform us, therefore, why, in spite of two letters to the Director of the Agency, one Mr. Sammy, that I am still unable to obtain these prescribed forms to assist my constituents?

**Hon. J. Humphrey:** Mr. Speaker, I think if the hon. Member looks at the Appendix, he will see that the majority of them are from his constituency so I do not know if his concerns relate to those or if there are others, but I could look into the matter for the hon. Member.

**Mr. Valley:** Mr. Speaker, I shall be happy if the Minister would do that because we do need prescribed forms to assist.

**Mr. Speaker:** Questions please.

**Mr. Valley:** I am merely thanking, Sir.

*Vide end of sitting for written part of answer.*

**PROCEDURAL MOTION**

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I beg to move that this House now resolve itself into Finance Committee to consider matters related to the 1998/1999 accounts.

*Question put and agreed to.*

**Mr. Speaker:** This House shall now be suspended for purposes of the Finance Committee. May I indicate to hon. Members and to the public that the Standing Orders do not provide that members of the public could be in the House during a Finance Committee meeting. In those circumstances, I will have to ask members of the public who are here in the House to vacate the House for purposes of that Finance Committee meeting. They may come back in immediately afterwards; but those are the regulations.

**2.50 p.m.:** *House resolved into Finance Committee.*

**4.04 p.m.:** *House resumed.*

**The Minister of Finance (Sen. The Hon. Brian Kuei Tung):** Mr. Speaker, I wish to advise that Finance Committee has met and has considered matters related to the 1998/1999 accounts. The Report of Finance Committee will be presented to this House on Friday, September 3, 1999.

**ARRANGEMENT OF BUSINESS**

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I merely wanted to advise the House on how the Government intends to proceed this afternoon. The continuation of the Domestic Violence Bill and the amendments from the Senate on the Sawmills, Forests and Freedom of Information (No. 2) Bills. The Member for Diego Martin Central was informed about the Sawmills and Forests and the Domestic Violence Bills. The Freedom of Information amendments will be done afterward and there is a Land Acquisition Motion on the Supplemental Order Paper.

*Agreed to.*

**Mr. Speaker:** Hon. Members, this honourable House would now continue the debate on the Domestic Violence Bill, 1998. When the House was adjourned, the Minister of Legal Affairs had commenced her reply and I call upon her to continue.

**DOMESTIC VIOLENCE BILL**

[THIRD DAY]

*Order read for resuming adjourned debate on question [26th July, 1999]:*

That the Bill be now read a second time.

*Question again proposed.*

**Hon. K. Persad-Bissessar:** Mr. Speaker, we have listened to the contributions from the other side of the House; we have noted the comments and suggestions that were made and, most of all, we noted the very genuine concern that has been articulated by Members on both sides of the House and by persons outside this House with respect to domestic violence.

Since we last met on this Bill, we have held meetings with members of the public, with various groups, with members of the NGOs and there is clearly a genuine concern to come up with a mechanism to deal with the scourge of domestic violence. What has also surfaced with those consultations we had after the concerns expressed in this House, has to do with clause 23 and we held discussions, as I said, with the NGOs.

There was concern as well with respect to clause 23. Clause 23 is the most controversial of the clauses and at the Committee stage, we will continue discussions with Members of the House for us to find an appropriate mechanism to deal with clause 23. So that we do not, in essence, need to delay much longer with respect to clause 23. We can deal with it at Committee stage to find the proper way of dealing with that.

What I would like to repeat is, when we closed off on the last occasion, I had quoted from Susan Shepherd's article in the *Express* of 1997 and, at that very consultation, where Susan Shepherd disclosed that she was, indeed, also a victim of domestic violence, the hon. Prime Minister, on that day, had this to say.

"Today, November 25, 1997 is very significant and special. November 25 is a very significant day and that is, it is International Day Against Violence to Women. Today, all over the world, individuals in every nation are gathering to show their abhorrence for the violence which is meted out to women daily in every country, every city and every village, for violence against women is one of the most universal of crimes.

Whatever a nation's stage of development, whatever its racial or ethnic mix, whatever its cultural or religious belief, women and girl children would be subject to physical violence in the form of battering, rape or incest and it is a problem which appears to be escalating and one which we must tackle here in Trinidad and Tobago if we are to become a more harmonious, productive society as we move into the 21st Century.

The situation is such that we must all work together to do something effective about this social ill which destroys so many lives. Recent reports by



the World Bank and the IDB indicate that the cost of health care to victims of domestic violence, lost days at work and reduced family incomes run into billions of dollars each year. There are other indirect costs in terms of police and courts' time and damage to property but, by far, the greatest cost lies in the damage done to the family unit which is the bedrock of our society. If the foundation stones are damaged, the structure cannot long remain sound.

Children, as victims and observers of domestic violence, will themselves become the next generation of perpetrators and victims unless all of us work together to find strategies to break the cycle and help those children to avoid repeating the hell that has been, for them, a family life.

In a participatory democracy such as ours, citizens and Government must work in partnership for the good of the whole society. In order to move forward together to become the Total Quality Nation to which we aspire, we must first address the social ills which are inhibiting our progress.

It is in that spirit that I ask individuals to contribute not only today, but every day. In your community and neighbourhood, family violence must now be exposed and stopped for what it is, not something that is just domestic, but criminal and deliberate violence against innocent and defenceless citizens. As we grapple with and overcome this problem, then we will be able to truly move on toward the reality of a total quality people and Total Quality Nation."

Mr. Speaker, most of the comments that we have seen and heard and what we have seen reported in the press and so forth, have concentrated on violence against women and the statistics are very clear. When we speak of domestic violence, whilst it is true that domestic violence is not confined to violence against women, that it is also violence towards men, the statistics make it very clear that by far, the largest numbers of crimes and offences perpetrated in domestic violence situations are against women.

I make this point because when we held the consultations, [*Crosstalk*] I recall that there were men who were present at the consultations, who were very concerned that this Bill seemed to be dealing only with the issue of violence towards women and violence against women and I want to make the point very clearly that the Bill is for both men and women. The provisions in the Bill apply equally for men as they do for women.

**Mr. Manning:** And children.

**Hon. K. Persad-Bissessar:** And also for children. So it is for men, women and children, and it seeks to give protection, as I said, to all members in a domestic situation.

*Domestic Violence Bill*  
[HON. K. PERSAD-BISSESSAR]

*Wednesday, September 1, 1999*

The statistics, however, are very clear outside Trinidad and Tobago, and the reason why we may not be [*Crosstalk*] able to give clear statistics here is because no compilation of these statistics has been made; so we see out of the “Bureau of Justice Statistics on National Crime Victimization Survey”, published and taken off the internet—

**Mr. Speaker:** Order please.

**Hon. K. Persad-Bissessar:**—on August, 11, 1999. These statistics show women were attacked more than six times more often by offenders with whom they had an intimate relationship than were male violence victims. Nearly 30 per cent of all female homicide victims were known to have been killed by their husbands, former husbands or boyfriends. In contrast, only just over 3 per cent of male homicide victims were known to have been killed by wives, former wives or girlfriends. [*Crosstalk*] Husbands, former husbands, boyfriends and ex-boyfriends committed 26 per cent of rapes and sexual assaults. Women of all races were equally vulnerable to attacks by intimates. [*Crosstalk*] So, the statistics show and from the account here, too, we will see that generally, it is more—

**Mr. Speaker:** Hon. Members, we are having about eight different sets of conversations in the House while the Minister is speaking. It could not be right. I ask you, if it is necessary for Members to converse in tones which could be heard by the Chair while a Member is speaking, please step outside or step behind the Chair. It is the decent thing to do. Please continue.

**Hon. K. Persad-Bissessar:** Thank you, Mr. Speaker. So it is clearly a woman’s issue more than it is a man’s issue and I think, perhaps, your words might have come just at an opportune time to make that point.

**4.15 p.m.**

Most of the articles that we see, most of the comments that we see, most of all, the writing and the talk have come out of the women’s movement in Trinidad and Tobago and that is why we have been branded. I have been approached in this very Parliament—as I was walking out of the Parliament—and affronted by someone who said to me: “You, you, it is your fault that my wife has brought me up in a court for domestic violence.”

There is a feeling that it is a women’s movement—the activists in the women’s movement—who are in some way conspiring to get at men or to deal with men. Mr. Speaker, that is furthest from the truth. This Bill, and the provisions of this Bill, are to do with the protection of members of the family.

That is why we have put in a very innovative clause within the Bill which deals with the whole issue of counselling, because we understand that there could be difficulties in a family relationship. But it could well be that those difficulties can be dealt with. So, for the first time, in the domestic violence legislation, it is proposed in clause 6 of the Bill, that when the court makes a Protection Order, it may at the same time insert in it a requirement that the respondent or the applicant; that is, a husband or a wife must receive some professional counselling or therapy from specified persons or agency. If it is that a matter is in the court and if it is that one of the parties, either the man or the woman stands up and says: "I love my family, I want this to work out, I need help, we need to get this worked out in some way," clause 6 gives that chance to the family to work it out. The court can order that counselling be undertaken.

Further, the court can order that the report be prepared on the outcome of the counselling or therapy, within a specified time-frame. There will be follow-up of that counselling that is ordered. In order to show that persons who are before the court must be serious about that counselling, and counselling as a solution to family violence, clause 20(2) of the Bill says that where a respondent has been ordered by the court to attend counselling and that person neglects or refuses to go to it, then that person is liable to a fine. So there is a penalty if one of the parties fails to attend the counselling that is provided for and ordered as part of the Protection Order. That is, indeed, a very important provision. Because, as I am saying, the purpose of this Bill is not simply to deal with women and violence against women.

**Mr. Valley:** Mr. Speaker, if the hon. Member would give way. I wonder whether the Member would inform the House of the origins of clause 23 in the Bill, bearing in mind that there was an *ad hoc* committee that did not recommend the entry into one's home without a warrant.

**Hon. K. Persad-Bissessar:** Clause 23, as I indicated—I am sorry you were not here when we started—I said there had been a lot of discussion and a lot of controversy with respect to clause 23 and that at the committee stage we will entertain further discussions for us to find an appropriate mechanism to deal with the provision of clause 23. Yes, you can raise that at that time.

**Mr. Valley:** Mr. Speaker, I would really appreciate if the Member would inform us here in open Parliament, as it were, rather than in the committee stage, the origins of clause 23, given that the committee looked at it: the committee which I understand comprised—I looked at the report—a number of the women's groups in our society and that committee did not see the need to have clause 23. I

*Domestic Violence Bill*  
[MR. VALLEY]

*Wednesday, September 1, 1999*

wonder whether the Member, as the Chairman—without prompting—of that committee could inform us of the origins of that clause.

**Hon. K. Persad-Bissessar:** The Hon. Member is totally correct. That committee comprised: Mr. Donald Burment. I am glad you raised it because Mr. Burment is here in the Parliament along with some of the other persons who assisted with this Bill and helped us to draw up the provisions. I want to place on record our thanks to them for all the work that they did with respect to this Bill. They are as follows:

Mr. Donald Burment	Member of Men Against Violence Against Women;
Mr. Dennis Bryan	Probation Officer, Ministry of Social Development;
Ms. Cleo Crawford	Attorney at Law and Representative of the Business and Professional Women's Club;
Mrs. Stephanie Daly	Attorney at Law and then President of the Law Association of Trinidad and Tobago;
Ms. Carla Herbert	Legal Drafter and Law Reform Advisor, Ministry of Public Administration and Information;
Ms. Judith Jones	Attorney at Law and Director/Chairman of the Legal Aid and Advisory Authority;
Sen. Diana Mahabir-Wyatt	Chairperson of the Trinidad and Tobago Coalition Against Domestic Violence;
Mr. Jawara Mobota	Attorney at Law;
Ms. Sadie Robarts	Legal Advisor, Ministry of Legal Affairs;
Ms. Lyn Roy	Sergeant of Police, of the Trinidad and Tobago Police Service;
Ms. Dana Seetahal	Attorney at Law and then Tutor/Director at the Hugh Wooding Law School;
Mr. Hendrickson Seunath	Attorney at Law and President of the Assembly of Southern Lawyers;
Ms. Hermian Smart	Women's Affairs Division, Ministry of Culture and Gender Affairs;

Mr. Everald Snaggs	Assistant Commissioner of Police, Trinidad and Tobago Police Service;
Mrs. Hazel Thompson-Ahye	Director, Legal Aid Clinic, Attorney at Law;
Ms. Arlene Valere	Attorney at Law, then Legal Officer, Ministry of Legal Affairs;
Ms. Kathleen Weekes	Assistant Superintendent of Police, Trinidad and Tobago Police Service;
Ms. Halcyon Yorke-Young	Legal Advisor in the Ministry of Social Development.

All these persons worked on the Bill. It is true what the Member has said: at that point clause 23 was not included in the committee's recommendations. However, you will recall that that report—on November 25, 1997, when I read to you the comments of the Hon. Prime Minister, at that time—was the subject of a series of consultations beginning on November 25, 1997. We had consultations in Port of Spain, Tobago and San Fernando. Based on those consultations, we submitted the report and the determination of what we summarized from the consultations, and that was sent to the Legislative Review Committee.

**Mr. Valley:** Which was chaired by?

**Hon. K. Persad-Bissessar:** Whilst it was with the Legislative Review Committee, the Law Commission also assisted with the drafting of it. Finally, if you recall when I piloted this Bill I said that parallel to the work of the Committee, there was work that was taking place by the Law Commission. It was the meeting of these two which has the present legislation before this honourable House.

Mr. Speaker, I am saying that the Bill includes provisions, which have extended the category of persons who can now apply for a Protection Order. There was concern here, as to whether persons of the same sex could apply where they were in an intimate relationship—whether they could apply. I am advised—*[Interruption]*

**Mr. Valley:** I am really very much interested in this issue—I just want you to clarify for me whether, as a fact, the Law Commission's work and your work had to go to the Legislative Review Committee and whether that Legislative Committee is chaired by the Hon. Attorney General, the Member for Couva South.

**Hon. K. Persad-Bissessar:** The Legislative Review Committee is chaired by the Hon. Attorney General.

**Mr. Valley:** I wonder whether the Member would answer the first question: whether in fact the review of the Law Commission, as well as the review of your committee went to that Legislative Review Committee?

**Hon. K. Persad-Bissessar:** I'm sorry?

**Mr. Valley:** I asked the Member whether, as a fact, the work of the Law Commission as well as the work of your committee, your report, had to go to the Legislative Review Committee.

**Hon. K. Persad-Bissessar:** Yes, I said that, I said both went to the Legislative Review Committee. In fact there were several other provisions. You are selecting out clause 23 as though it was some "red letter". You are worried. I am saying to you there were many other provisions from the Committee and the Law Commission, which have been changed. For example, the category of persons—the existing legislation on domestic violence affords protection to a wide category of persons. Our committee recommended that the persons should be those who are in a close personal relationship. This was the issue I was starting to address: that there was concern in dealing with a close personal relationship, whether this would let in persons of the same sex being able to apply—*[Interruption]*

**Mr. Valley:** I just want to make the point that if you were to take out clause 23 you would have the unanimous support of every Member of this side of the House.

**4.25 p.m.**

Mr. Speaker, there were other provisions which were changed along the consultative process and went to the Legislative Review Committee, several other provisions which have been changed. So in respect of the category of persons, conferring property remedies in a court of summary jurisdiction, extending a protection order for the benefit of persons other than the applicant, court directions to police officers, victim compensation, mandating response of the police, and police powers of entry without a warrant, that was only one out of several provisions which were included in the Bill which is before this House.

Victim compensation is another very revolutionary provision that has come in. This award does not include an award for injury for physical damage, because that is another kind of action which can be taken by persons. It includes compensation for loss of earnings, medical and dental expenses, moving and accommodation

expenses, reasonable legal costs, including the cost of an application under the Act. Through amendment in the Senate, this figure was set not to exceed \$15,000. This provision comes from the concept of abuser accountability, and has been viewed as one way of imposing swift, consistent, and meaningful sanctions against abusive behaviour.

Mr. Speaker, another very interesting provision that which not there before and is very important, has to do with the powers of the court in the making of property orders, or property remedies. So that in giving a protection order—

**Mr. Manning:** Mr. Speaker, I am really grateful to the hon. Minister for giving way. In relation to clause 23, we would like to consider carefully proposals that the Government may have. I wonder if the hon. Minister would be kind enough to propose an amendment for consideration, we will be willing to consider it.

**Hon. K. Persad-Bissessar:** I am sorry—

**Mr. Manning:** If there is any proposal, any amendment to clause 23 that the Minister may have—

**Hon. K. Persad-Bissessar:** I said that we would hold discussions in the committee stage and work a mechanism out, if it can be worked out.

**Mr. Manning:** We are just trying to save some of the Parliament's time. If the Minister can make it available to us, we will be happy to consider it.

**Hon. K. Persad-Bissessar:** I indicated, at the start of my contribution, to the Member for San Fernando East, that we will have discussions at the committee stage. He will be free to make suggestions, as he would like. He could suggest an amendment at that stage, but we will do it at committee stage.

With respect to property remedies, where there is a dispute in a family, and there is property which is usually in one person's name, that person can dispose of the property, thereby denying the other person, who would be entitled to a share of matrimonial property prior to any action. With the protection order, the court can also make an order prohibiting the taking possession of, damaging, or otherwise dealing with property in which an applicant may have an interest.

Mr. Speaker, what we see here is a Bill that has made provision to increase the power and jurisdiction of the court, to enlarge the scope and ambit of the protection order itself, and provide harsher penalties where these become necessary.

What we have also seen is the provision dealing with financial resources for an applicant or a child. Previously if a person made an application for a protection order—*[Interruption]*

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

**4.30 p.m.:** *Sitting suspended.*

**5.03 p.m.:** *Sitting resumed.*

**Hon. K. Persad-Bissessar:** Mr. Speaker, I want us to acknowledge that domestic violence affects every one of us in the society. Whether we realize it or not, whether we choose to accept it or not, we must all take that responsibility. We must all act to prevent the destruction of our society and its values. We must be our brothers' and sisters' keepers so that we do not allow the excuse that domestic violence is just a family affair, husband and wife business, husband and wife affair. So that we need to prevent, where we can—and respect, we must uphold the values of respect and non-violence and basic human rights. In that way we may begin to save tragically wasted lives.

Mr. Speaker, I urge hon. Members of this House to support this Bill and let us use this opportunity now to make a difference in the lives of innocent women, men and children. They need our protection, they deserve our protection and even if this Bill may not stop domestic violence, but if we can save one life or save one person from being maimed and injured then I think we would have done a great job.

Once again I want to thank all Members for their suggestions and comments and especially to thank all those members of the *ad hoc* Committee, some of whom are in the House now, for their work over the years. We have spent almost two years working on this Bill and I trust that we can get the support of Members of the House. I beg to move, Mr. Speaker.

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*House in committee.*

**Mr. Chairman:** Hon. Members, there were some amendments which were made in the other place on Tuesday June 22, 1999 but those will be dealt with as we actually come to them.

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

*Clause 3.*

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



**Mrs. Persad-Bissessar:** Mr. Chairman, I beg to move an amendment to the definition of sexual abuse as follows:

“Insert after the word, ‘listed’, the words, ‘under the Sexual Offences Act’.”

**Mr. Imbert:** Mr. Chairman, I had raised the point that some of the offences listed in the Schedule were inconsistent with some of the definitions. Such as, attempting to destroy a house by gunpowder could hardly be a sexual offence and I wonder if the Minister had gone carefully—

**Mrs. Persad-Bissessar:** This is what this amendment is seeking to do.

**Mr. Imbert:** No, no, hold on. It also refers to physical abuse and I am wondering if the Minister went carefully through all of these offences and saw whether they were compatible. That is all. That is my only question.

**Mrs. Persad-Bissessar:** I am advised by the technocrats, the CPC's Department, this was the only one where we needed to—*[Interruption]*

**Mr. Imbert:** The only one was the Sexual Offences Act?

**Mrs. Persad-Bissessar:** The only one. And, in fact, even this one they did not think it was necessary but I felt, from a common sense approach, that it did make sense to amend it in this manner. There was a view that we did not even need to change it in that manner.

**Mr. Imbert:** Well, you know they have their views, which are not necessarily correct.

**Mrs. Persad-Bissessar:** So I have been advised that this is the only one we would want to amend.

*Question put and agreed to.*

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

*Clauses 4 to 18 ordered to stand part of the Bill.*

**5.15 p.m.**

*Clauses 19 to 22 ordered to stand part of the Bill.*

*Clause 23.*

*Question proposed, That clause 23 stand part of the Bill.*

**Mrs. Persad-Bissessar:** Mr. Chairman, I beg to move that clause 23 be amended in terms of the circulated draft as follows:

*Domestic Violence Bill*  
[HON. K. PERSAD-BISSESSAR]

*Wednesday, September 1, 1999*

A. Delete subclauses (1) and (2) and substitute as follows:

“(1) For the avoidance of doubt, a police officer may act in accordance with the provisions of the Criminal Law Act where he has reasonable cause to believe that a person is engaging in or attempting to engage in conduct which amounts to domestic violence and failure to act immediately may result in physical injury or death.”

B. Renumber subclauses (3) to (7) as subclauses (2) to (6) respectively.

C. In subclause (2) as renumbered delete the word “(2)” and substitute the word “(1)”.

D. In subclause (3) as renumbered delete the word “(2)” and substitute the word “(1)”.

E. In subclause (4) as renumbered delete the word “(4)” and substitute the word “(3)”.

F. In subclauses (5) and (6) as renumbered delete the word “(2)” and substitute the word “(1)”.

**Mr. Imbert:** I cannot agree to this clause unless I have time to consider it, otherwise I will vote against it.

**Mr. Chairman:** Hon. Members, the question is that clause 23 be amended in terms of the circulated draft.

**Mr. Imbert:** *[Inaudible]*

**Mr. Chairman:** This is just a question of asking that one consider it. One could then get onto other things. *[Interruption]* But that is not the stage for discussion! Do you not understand that? Do you not understand that the first thing you have to do is get it properly before us for consideration and once it is there for consideration, then you could argue about it from now until midnight.

**Mr. Imbert:** *[Inaudible]*

**Mr. Chairman:** Well then, that is a closed mind if you do not even want to consider it.

**Mr. Panday:** Mr. Chairman, is it possible for us to agree to concede to what is being suggested, that some time be given to study the amendment now?

**Mr. Imbert:** That is what I asked.

**Mr. Chairman:** Indeed. Hon. Prime Minister, all I was saying to the gentlemen who did not seem to understand what I was saying, is that the very first thing we have to do is have it before us so we can even consider it, and when we get through that first hurdle then, in consideration, one may ask for time to consider it, and that I would have put. But it seems that I was being—

**Mr. Panday:** Mr. Chairman, because it is important, may I ask your leave that we be given the time that is required?

**Mr. Chairman:** The position, hon. Members, is that we have the option of going through with the rest of it and then suspending for a short while—because we are in committee—for it to be done; or we have the option of suspending things now and getting this over before we proceed with the others. I, quite frankly, feel that it may be wiser if one proceeds with the others and then one suspends to deal with this one.

**Mr. Panday:** That is agreeable, Mr. Chairman.

**Mr. Chairman:** Could we suggest that the consideration of clause 23 be deferred?

*Clause 23 deferred.*

*Clauses 24 and 25 deferred.*

*Clauses 26 to 30 ordered to stand part of the Bill.*

*First and Second Schedules ordered to stand part of the Bill.*

**Mr. Sinanan:** Mr. Chairman, with your leave I just want to come back to clause 16 for a minor amendment. Clause 16 follows on clause 6, so there is a protection order—it deals with property—and you have service of the order. The order is served on the respondent or any other person to whom the court is to apply and to the police officer. But where an order is served against the wife, for example, the husband owns the property; nothing is preventing the husband from dealing with that property, and a *bona fide* purchaser for value would have no knowledge of that order, so that perhaps, this order should be filed as a *lis pendens* or kin to that in the Registry. Because serving it on the respondent, he does not disclose it, somebody comes and purchases his property, he does not have knowledge of it—these things appear in the papers, but it is small, you cannot read it, you need a magnifying glass to see it. So a *lis pendens* type arrangement would have to be added to clause 16.

**Mr. Panday:** That makes sense.

**Mr. Chairman:** Hon. Members, clause 16 will be revisited.

Hon. Members, all that is left to be done is the clauses which we have deferred and the Preamble. At this stage, I propose that we suspend the committee stage and allow parties time to consider and talk. How much time do you need, half an hour? Well, we will then suspend until 6.00 p.m.

Thank you.

**5.24 p.m.:** *Sitting suspended.*

**6.15 p.m.:** *Sitting resumed.*

**Mr. Chairman:** Hon. Members having withdrawn and considered, and having brought your minds to bear upon the several issues, my good friend, the Member for La Brea is laughing at me. Is the Member for La Brea the spokesman on behalf of the Parliament? *[Laughter] [Interruption]*

*Clause 16 recommitted.*

**Mrs. Persad-Bissessar:** Mr. Speaker, I beg to move that clause 16 be amended by inserting a new subsection (c) to read as follows:

“Where it relates to real property, it shall be filed at the Land Registry as a *lis pendens* by the applicant.”

**Mr. Chairman:** “It shall be filed in the Land Registry—

**Mrs. Persad-Bissessar:** As a *lis pendens*.

**Mr. Chairman:** “as a *lis pendens* by the?”

**Mrs. Persad-Bissessar:** Mr. Chairman, may I please reword that slightly, Sir?

“It shall be filed by the applicant at the Land Registry as a *lis pendens*.”

**Mr. Chairman:** By the applicant as a *lis pendens*?

**Mrs. Persad-Bissessar:** I have reworded it. Can I start again, Sir?

**Mr. Chairman:** Yes.

**Mrs. Persad-Bissessar:** Yes, Mr. Chairman, it would read:

“Where it relates to real property, it shall be filed by the applicant at the land Registry as a *lis pendens*”.

**Mr. Chairman:** Hon. Members, the amendment to clause 16, therefore, is that a subclause (c) is to be added which shall read as follows:

“When it relates to real property, it shall be filed by the applicant at the Land Registry as a *lis pendens*.”

*Question put and agreed to*

*Clause 16, as amended, ordered to stand part of the Bill.*

*Clause 23 reintroduced.*

**Mr. Imbert:** Mr. Chairman we have an amendment to the proposed amendment. In the proposed 23 (A) after the first (1) before the word “For” we wish to insert the following words:

“In pursuance of the provisions of this Act...”

and then it will read:

“For the avoidance of doubt, a police officer may act in accordance with the provisions of the Criminal Law Act where he has reasonable cause to believe that a person is engaging in or attempting to engage in conduct which amounts to...”

We are adding now:

“an offence under the Criminal Law Act”

and deleting all the words after that. *[Interruption]*

We are inserting the words “In pursuance of the provisions of this Act” between “(1)” and “For”; and then after the words “amounts to” we want to insert the words “an offence under the Criminal Law Act”. We also wish to delete all the words that appear after the words “amounts to”.

**Mr. Panday:** ...which amounts to an offence under—

**Hon. Member:** Criminal law.

**Mr. Imbert:** There are no offences under that?

**Mr. Panday:** What offences is the Member talking about.

**Mrs. Persad-Bissessar:** Have you looked at the criminal law?

**Mr. Imbert:** What we are seeking to do—

**Mrs. Persad-Bissessar:** There are no offences there?

**Mr. Imbert:** What we are seeking to do is to make the provisions of the Criminal Law Act applicable.

**Mrs. Persad-Bissessar:** Yes, that is what we are seeking to do.

**Mr. Imbert:** What we are seeking to do is to make the Criminal Law Act apply in this situation.

**Mr. Valley:** If you want you can stop at “Criminal Law Act” and delete everything after that. In other words, simply for the avoidance of doubt, “a police officer may act in accordance with the provisions of the Criminal Law Act”.

**Mr. Panday:** That is saying that the police should act in accordance with the law. That does not make sense.

**Mr. Valley:** That is what we thought, so I do not know why he brought it in the first place.

**Mr. Panday:** They are saying that for the avoidance of doubt. The problem here is that because of our culture, policemen have always regarded disputes between man and wife as “husband and wife business”. That is our culture and they do not intervene when a man is beating up his wife or vice versa, and when there are problems between husband and wife because, as I said, that is “husband and wife business” and they do not interfere.

What we are trying to do here is to say that for the avoidance of that doubt, tell the policeman—

**Mr. Valley:** To what?

**Mr. Panday:** Sorry.

**Mr. Valley:** To what.

**Mrs. Persad-Bissessar:** To act.

**Mr. Valley:** Well, it is the same thing I am telling him.

**Mr. Panday:** No, no; and to act how. To act contrary to what he always thought, that is, “husband and wife business” and that it did not matter to him. So, it says that he must act in accordance with the Act where he has reasonable cause to believe that a person is engaging in or attempting to engage in conduct which amounts to domestic violence and failure to act—

**Mr. Valley:** That creates another problem, Mr. Prime Minister. That creates the problem that when it does not result in physical injury or death, he may not act.

**Mr. Panday:** Yes, but that is what is intended because remember—

**Mr. Imbert:** He may not enter. He may say that there is no injury involved there.

**Mr. Valley:** He may not even worry with them even if they come with a complaint. I thought that all you really wanted to tell him was, "Listen friend, you have the Criminal Law Act and we want you to act in accordance with that.

**Mr. Imbert:** He may not enter premises if he feels that injury will not result from the offence.

**6.25 p.m.**

**Mr. Panday:** Yes, I thought that is what you were saying. What is offensive about the original Bill if we look at it? I thought you said where the police officer is invited to come in, I thought the Member was saying the woman may invite the policeman to come in here because she is having an affair with him and come and throw out the man. What is the mischief in the original Bill?

**Mr. Valley:** But understand the point I am making. I am saying that when you try to qualify it and when you are saying that he must act, what you are saying, in effect, is that he must act in accordance with the Criminal Law Act only in a situation where the person might be murdered or where there is physical injury. I do not think that is what you intend to say. I think you want the provisions of the Criminal Law Act to apply generally. That is why I am saying that the qualification that you put in ought not to be there. What you want to say is simply, the provisions of the Criminal Law Act are available to a police officer under this Bill. That is all you want to say.

**Mr. Imbert:** The other problem we have is that all the offences under the—

**Mr. Breaux:** Domestic Violence Act—

**Mr. Imbert:** There are some issues here that—

**Mr. Breaux:**—do not amount to arrestable offences in respect of the Criminal Law Act and we do not want to put a sanction upon non-arrestable offences that are really only applicable to arrestable offences under the Criminal Law Act. That is the case. You see, in domestic violence cases, you have pelting stones, and though pelting stones that cause an injury could be wounding, you do not want to put an arrestable offence sanction on a non-arrestable offence under the criminal law because we then would be shifting the sanctions and using a sledge-hammer to crack a nut. That is the point we are trying to make.

**Mr. Panday:** If we could agree on what we really want, because I think we are very, very close. Do we want, if a man is beating up a woman in a house—he locks the door and he is beating her up—she is bawling and screaming and the policeman is outside, do we want him—

**Mr. Bereaux:** You want him to be able to go in.

**Mr. Panday:**—to go and arrest the person?

**Mr. Bereaux:** Yes. We want that.

**Mr. Panday:** Without a warrant. All right. If we are agreed on that, then we are really very, very close. Let us rephrase that.

**Mr. Bereaux:** Because the law permits that now, but as you have said, he might say, “That is husband and wife business”, and that is why he would not go in. We want to tell him to do that now. He could carry out the law. But we do not want to put a situation where he is not beating her up like that, or they are having a violent argument and it is not that, and the police walks in; moreover, we do not want him to be—well, we will address that in another limb of it. Whereas we want that to happen that if in the law—because look at what it says here in the Criminal Law Act, for the purposes of arresting a person at section 3(5):

“A police officer may arrest without warrant any person who is, or whom he, with reasonable cause, suspects to be, about to commit an arrestable offence.”

**Mr. Panday:** What is an arrestable offence?

**Mr. Bereaux:** An arrestable offence is one which attracts a penalty of five years.

**Mr. Panday:** Five years. So that he can beat her up. That is all right.

**Mr. Bereaux:** No.

**Mr. Panday:** Beating her up is not five years.

**Mr. Bereaux:** But the beating up that you are talking about, where she may be shouting and screaming is where he perceives. You see, beating up by itself may not be an arrestable offence but, if today at this time, somebody is beating up somebody else, we are in this place right here in Parliament behaving so badly and beating up each other, they could arrest us but for the privilege, the reason being that the fight, the attack may end up in some serious harm being done, and if the police perceives that will happen, he does not have to wait until you kill your wife, he can do it while you are beating.

**Mr. Panday:** Colleague, there are two things here. If you and I are fighting outside in the streets and we are beating up each other and so forth, the police is looking at us and, yes, you are right, he can arrest us. But, if we are locked up behind doors which is likely to be the case, he has to have reasonable cause to believe that I am going to wound you or the man is going to wound the woman and so forth.



**Mr. Beraux:** But he has reasonable cause to believe that he will wound the woman.

**Mr. Panday:** How else will he know? He has to exercise judgment and he cannot exercise it from outside; he has to go in. How will he know that the offence that is about to be committed inside there is a five year and not a four, or not a three, or not a six months?

**Mr. Beraux:** So you are saying he must go in to find out if it is reasonable. We are saying if he is hearing noise and he forms an opinion as happens—as he can do now in the law—he goes in; and he can do it in the law today. As the law stands today, a police officer can, if he hears a man beating up his wife or vice versa, to such an extent, he can go in but he normally, as the hon. Prime Minister said, does not do it because he says, “That is husband and wife business”. We want to tell him that he can do it.

**Mr. Panday:** May I make a humble suggestion? Suppose we remove the word “domestic” from the amendment. Look at how it will read because “domestic” includes all kinds of offences as defined in the Bill. So we say:

“For the avoidance of doubt, a police officer may act in accordance with the provisions of the Criminal Law Act where he has reasonable cause to believe that a person is engaging or attempting to engage in conduct which amounts to violence and failure to act...”

—will result in injury or death. If we take out the word “domestic”, will that satisfy you?

**Mr. Imbert:** I would really want the Attorney General to tell me what is the definition of “violence”. Also, what is the definition of “physical injury”? What is a “physical injury” and what is the definition of “violence”? If we could deal with those concepts, I think we can get somewhere.

**Mr. Panday:** There will be no act.

**Mr. Imbert:** So, what is “physical injury”? If I hit somebody a slap and their face gets red, is that physical injury? Or, if I hit somebody so hard they fall down, is that physical injury?

**Mr. Maharaj:** Mr. Chairman, under the Summary Offences Act, there can be many assaults which would not incur five years’ imprisonment and, therefore, they would not be arrestable.

**Mr. Imbert:** We understand that.

**Mr. Maharaj:** So, you could have an aggravated assault occasioning a wound and the imprisonment for that is six months. So that if the Criminal Law Act applies as it is now, you can have the case of a woman being beaten in a house and chopped but the policeman would not be able to go into that.

**Mr. Imbert:** We follow that point.

**Mr. Maharaj:** No. I am just explaining. So that the intention of our proposal to amend is to recognize that we have a Criminal Law Act which gives the police power to go into a house even though there is no warrant where it is an arrestable offence. We are saying having regard to the powers which the police already have, let us—

**Mr. Imbert:** Do not extend it.

**Mr. Maharaj:**—extend it a bit.

**Mr. Imbert:** When you are finished, I will say something.

**Mr. Maharaj:** So, it is in that context, we drafted it like that. What the hon. Prime Minister was saying, was if it is that the domestic violence definition is so wide that it allows matters which are not physical violence, he was suggesting to find a way in which you could limit it to violence.

**Mr. Imbert:** I understand where you are going.

**Mr. Panday:** If we agree with one another on what we want, it should not be hard to find a formula.

**Mr. Imbert:** But, then, would you not have to include in the definition section now, the definition of “violence”? Because you have “domestic violence” defined.

**Mr. Panday:** That is right. That is why I am taking out the word “domestic”.

**Mr. Imbert:** But now having put the word “violence”, would you not have to define what “violence” is?

**Mr. Panday:** Except that I do not know, maybe the officers can tell me whether “violence” has been defined legally, or whether it is a common-sense interpretation of the word.

**Mr. Imbert:** You see, I understand what you want to do.

**Mr. Maharaj:** I think what you want to cover is the physical violence.

**Mr. Hinds:** But if you take out “domestic”, you are talking only violence to the person.

**Mr. Maharaj:** And violence would have the ordinary English meaning because it would not have any physical violence.

**Mr. Hinds:** And that is the point. If you take out the word “domestic”, you remove the leverage into domestic violence.

**Mr. Panday:** My colleague, “domestic violence” includes psychological. That is why I took out the word “domestic” and said the only thing we are trying to do is—

**Mr. Imbert:** If you call it “physical”, that settles that.

**Mr. Panday:** That is why we have here:

“...violence and failure to act immediately may result in physical injury or death.”

**Mr. Imbert:** No problem. We will make it physical violence and I accept what you are saying. Let us just put “physical” before “violence”. But I still want a definition of “physical injury”. What is a “physical injury”? Is it a slap or is it a chop?

**Mr. Bereaux:** Serious physical injury.

**Mr. Maharaj:** We could put a wound.

**Mr. Imbert:** I just want you to think about it.

**Mr. Hinds:** One question.

**Mr. Panday:** I think unless there is a legal definition, I suggest that it carries the ordinary English meaning.

**Mr. Hinds:** It means violence to the person. However, what if the threat is to set the place afire that could lead to physical violence?

**Mrs. Persad-Bissessar:** He has engaged in or attempted to engage.

**Mr. Hinds:** I am saying that I appreciate that. That is what the Bill intends and contemplates. As I am appreciating the Member for Couva North, the Prime Minister saying, if you take out the word “domestic”, that now narrows it to physical violence. However, the threat may very well be that he is threatening to set the house on fire which act can lead to physical serious injury, so to take out that word creates a problem.

**Mr. Panday:** But to leave it in will include psychological violence and so forth which we do not want in it.

**Mr. Hinds:** So, we still have to work on it. But taking out the word brings it closer to what we were talking about.

**Mr. Maharaj:** Attempting to burn the place may be an attempted arson and that is arrestable.

**Mr. Hinds:** But, you see, if the woman called the police and said, “He has a can of gas”, or “He has a lighter”; he has not done me anything personally—no personal violence—but he is threatening to set the house on fire and the baby and the children are in the house.

**Mr. Maharaj:** I think the police can lock him up for that.

**Mr. Hinds:** Well, of course.

**Mr. Maharaj:** Even without the Act.

**Mr. Hinds:** I am only advancing that in the context of taking out the word “domestic”.

**Mr. Maharaj:** So we have:

“For the avoidance of doubt, a police officer may act in accordance with the provisions of the Criminal Law Act where he has reasonable cause to believe that a person is engaging in or attempting to engage in conduct which amounts to physical violence and failure to act immediately may result in serious physical injury or death.”

We are taking out “domestic” before “violence” and inserting “physical” and we are inserting before “physical injury”, “serious”. There are two things that go with this, there is physical violence and failure to act may result in serious physical injury or death. It is not just physical injury.

**6.40 p.m.**

**Mr. Imbert:** You could now delete clause 24.

**Mr. Valley:** Clause 24 is now redundant.

**Mr. Panday:** If you are right, you are right.

**Mr. Maharaj:** Before we move on, it is being suggested—I do not know if you want to make it clear—that physical violence here—

**Mrs. Persad-Bissessar:** Physical violence is violence against the person, which will make it clear in terms of what kind of violence, because you have a difficulty in defining violence.

**Mr. Bereaux:** I will be guided by the draftsman.

**Mr. Panday:** We do not take the point of the Member for Laventille East/Morvant because suppose he is setting the place on fire!

**Mr. Imbert:** I will accept that.

**Mrs. Persad-Bissessar:** You will accept that? Very good. Can we get the final draft of it now? Against the person, so take out “physical”.

**Mr. Maharaj:** It should be “physical violence against another person”.

**Mr. Panday:** Any other person, I thought it was just wife and children?

**Mr. Maharaj:** It will be a person protected under the Act.

**Mr. Imbert:** But do you need a person?

**Mr. Maharaj:** I am told that you do not need that aspect of it.

**Mrs. Persad-Bissessar:** If you do not need it, do not put it in.

**Mr. Maharaj:** I wanted to draw one matter to your attention. I was going to suggest “physical”, because the Act also covers sexual abuse and there may not be a five year term in relation to this sexual abuse. The question which arises is, do you want to give the protection for sexual abuse too?

**Mr. Panday:** Is that not physical?

**Mr. Maharaj:** It is defined separately in the Act.

**Mr. Imbert:** In the definition section, there is a definition of physical abuse, which says:

“...any act or omission which causes physical injury...”

**Mr. Maharaj:** I have no problem with what you are saying. I was coming to that.

**Mr. Imbert:** If you use these definitions you can use “physical abuse” and “sexual abuse”. It deals with all the issues raised.

**Mr. Panday:** If you do that, you will have a definition because it is defined in the Act. Does it satisfy you that is the kind of thing that you want?

**Mr. Maharaj:** Virtually, you are giving us the amendment that we wanted.

**Mr. Imbert:** No, because the part about the First Schedule should be amended. The First Schedule is the problem.

**Mr. Maharaj:** If you put that, it defeats your point. Your point would have been at every assault you would have had—

**Mr. Imbert:** You have to amend it.

**Mr. Maharaj:** I think we could leave that and include “sexual abuse”.

**Mr. Imbert:** No, sexual abuse leads to any offence under the First Schedule. You amended the definition.

**Mrs. Persad-Bissessar:** Why do we not leave it as the original clause 23?

**Mr. Imbert:** No!

**Mr. Panday:** The original clause 23 offends because the way it is drafted—the woman invites the police to beat the man and arrest him and so forth. You know when they arrest you, they arrest you on Friday nights, the person would not get bail until Monday morning and you know what happens over the weekend! I think that is what is offensive in the original Act.

**Mr. Bereaux:** There is another element.

**Mr. Maharaj:** If it is a serious sexual abuse it will fall under an arrestable offence so let us go with it.

**Mr. Bereaux:** It would fall under the Criminal Law Act. So we could leave that out for now.

**Mr. Maharaj:** Do you see how accommodating we are?

**Mr. Imbert:** No, we are the special majority. Do not try that.

**Mr. Chairman:** Honourable Members, therefore, we have agreement. For the avoidance of doubt, could we just—it would read “For the avoidance of doubt”

**Mr. Maharaj:** I quote:

“For the avoidance of doubt, a police officer may act in accordance with the provisions of the Criminal Law Act where he has reasonable cause to believe that a person is engaging in or attempting to engage in conduct which amounts to physical violence and failure to act immediately may result in serious physical injury or death.”

**Mr. Panday:** That is right, there are two conditions that have to be satisfied.

**Mr. Chairman:** So we drop “against the person” appearing after “violence”.

**Mr. Hinds:** Whatever became of the question of—I must have lost you on that—the sexual abuse?

**Mr. Maharaj:** I offered to allay some of the fears that you had because you felt that it could have been abused and then I said that serious attempts at sexual abuse would attract a five-year term of imprisonment. So they would be arrestable in any event under the Criminal Law Act.

**Mr. Hinds:** The offence of serious indecency, for example, touching and so forth, would that attract—

**Mr. Panday:** You are giving the policeman the right to arrest without a warrant. If he touches his wife and so forth then he may be—*[Interruption]* you do not want them to beat her up.

**Mr. Hinds:** It may not be his wife, there are a wide range of persons under the Domestic Violence Bill, not necessarily spouse.

**Mr. Panday:** There are other offences, which she could go and report and a warrant could be taken out. We are dealing with those that are so immediate. Merely touching and so forth does not endanger her life to warrant arrest without a warrant.

**Mr. Maharaj:** Because most sexual offences must be done indictably.

**Mr. Hinds:** But even if it is serious, I am asking—

**Mr. Maharaj:** It is more than five.

**Mr. Hinds:** It carries more than five years, so it would be picked up under the Criminal Law Act in any case? Okay.

**Mr. Imbert:** Mr. Chairman, we have a further amendment to clause 23. Mr. Bereaux, I think you have the amendment there.

**Mr. Bereaux:** This is to cover your point about the “randy” officer. That goes on to the Complaints Authority.

“When it is determined that a police officer entered premises without reasonable cause, or took action that was unwarranted, which resulted in physical injury, death, loss of property then the person so injured shall be entitled to compensation including exemplary damages.”

**Mrs. Persad-Bissessar:** If an officer enters wrongfully, you are entitled to damages.

**Mr. Bereaux:** Not exemplary damages. Our concern is that you find this is a measure—you see we are dealing with situations, I call it people like the “randy” officer like “Randy Andy”. We want to prevent them from utilizing this particular provision in order to deal with a husband who is inconvenienced.

**6.50 p.m.**

**Mr. Panday:** At the same time, you do not want to scare a good police officer so badly that he says, “Me, going inside there? As far as I am concerned, I doh believe anything happening!”

**Mr. Bereaux:** Let us give the Police Complaints Authority some power to award exemplary damages. We are not going to court. Somebody has to give—

**Mr. Panday:** I understand the fears.

**Mr. Bereaux:** There was a time I would not have even suggested this, but unfortunately, I meet the “randy” officer from time to time.

**Mr. Panday:** If the police officer goes in there, arrests somebody and it is a wrongful arrest, could the person wrongfully arrested not bring a case and ask for exemplary damages? That is the point we are making, colleagues.

**Mr. Valley:** But the person has to bring the case, which involves expense by the person.

**Mr. Panday:** How are you going to determine whether he has done it wrongly if you do not go through a judicial process?

**Mr. Valley:** But there is the Police Complaints Authority that is set up already.

**Hon. Members:** The Police Complaints Authority is not a judicial body, it cannot award damages.

**Mr. Panday:** Colleagues, tell me if I am wrong. I do not think the Police Complaints Authority has jurisdiction to award any compensation at all. It can recommend action against policemen, but I may be wrong. The question, firstly, of wrongful arrest has to be adjudicated in a court of law. How would you determine that there has been wrongful arrest in the first place?

**Mr. Bereaux:** This question about the right of people to go to court, it is said that the law is like the Ritz, it is open to all men. [*Interruption*]

**Mr. Panday:** Or to those who can afford it.

**Mr. Bereaux:** We are concerned, particularly, about those persons who abuse the position, and then all that happens is that you go to the Police Complaints Authority and some time down the road, somebody is given a slap on the wrist or whatever. It may not be a slap on the wrist, but that is our serious concern on the ground. Police officers have a lot of time and men with time find mischief.



**Mr. Panday:** But colleague, will your amendment mean that there would be a determination of wrongful arrest without adjudication by the court?

**Mr. Breaux:** It may not be a wrongful arrest, because when a person complains to the Police Complaints Authority it may make some kind of determination, and then maybe the state could compensate the man.

**Mr. Panday:** A policeman goes in wrongly, he does not believe in anything, he goes and arrests the guy, and takes him away. The fellow may have been wrongly arrested, but who is going to determine that, because remember he was entitled to go in if he had reasonable belief? Who is going to determine from all that evidence that it was a wrongful arrest?

**Mr. Breaux:** How would the Police Complaints Authority come up with the position that he should not have acted? When it has so determined, somebody has to compensate the person.

**Mr. Maharaj:** The Police Complaints Authority makes the report, but the Service Commission investigates, and also reports it to the Director of Public Prosecutions if there is any belief that a criminal offence was committed, an abuse of power or whatever it is. So the Police Complaints Authority is merely the body that will investigate the complaint for further action.

If we put here, “power to the Police Complaints Authority to award compensation, you are going to have many problems.

**Mr. Breaux:** It may not be the Police Complaints Authority. So the Police Service Commission decides that the police officer has behaved improperly, and dismisses him. We now have a impecunious police officer who has been disciplined, dismissed or whatever, and a man who has been injured—

**Mr. Panday:** Colleague, the only thing I can think about is the suggestion made, that we should expand the Legal Aid and Advisory Authority, because we must have the court adjudicating. If you expand the Legal Aid then that person would be able to say, “I want legal aid to vindicate my right, because my right was violated by my being wrongfully arrested.” The action would be against the state. Wrongful arrest is an action against the state.

**Hon. Member:** Would it be a court action?

**Mr. Panday:** Yes.

**Mr. Maharaj:** And you would expect that if there is a civil action against the state and the facts are very glaring, the legal officer would not just defend it like that.

**Mr. Bereaux:** I do not want to expect that.

**Mr. Maharaj:** Sometimes depending on if the facts are otherwise. That is not physical violence you are talking about. [*Crosstalk*]

**Mr. Panday:** Are you satisfied colleague?

**Mr. Valley:** I used to be comrade, now I am a colleague. [*Laughter*]

**Mr. Panday:** All right; are you satisfied comrade? Colleague here is lawyer, it has nothing to do with Parliament. [*Crosstalk*]

**Mrs. Persad-Bissessar:** Mr. Chairman, I think we have agreement.

**Mr. Chairman:** Hon. Members, the amendment is as follows:

“In the fourth to last line delete the word ‘domestic’ and insert the word ‘physical’”

*Clause 23, as amended, ordered to stand part of the Bill.*

**Mr. Chairman:** Did someone say something about clause 24? [*Crosstalk*]

*Clause 24 re introduced.*

**Mr. Valley:** Well, it is now redundant.

**Mr. Panday:** Again, if we agree, fine, this relates to an order, an order has already been made, and what are they thinking about? An order says you cannot approach the woman—[*Interruption*]

**Mr. Valley:** You cannot go by her house.

**Mr. Imbert:** You cannot telephone her, it is a bit severe.

**Mr. Panday:** This Bill is saying if you do that you could be arrested without a warrant.

**Mr. Valley:** You are saying, now that there are the provisions of Chap. 10:04, in certain cases the police would be able to arrest without a warrant, if it falls within Chap. 10:04, if it does not, then the police has to get the warrant and then arrest.

**Mr. Maharaj:** What happened is a contempt of court, but I suppose there could be a mild or a serious contempt. So you want to say, “may arrest that person with a warrant.”

**Mr. Valley:** In a situation where Chap. 10:04, in the Criminal Law Act applies, a person might be arrested without a warrant. If it does not apply, then the police would need a warrant.

**Mr. Maharaj:** If the person commits a contempt, the lady has to get a process and so forth, so we want to say all that, and the police would be able, with a warrant, to detain and arrest that person.

**Mr. Hinds:** When the person reports to the police a breach of the order, the police cannot just go to court on the basis of her report that the order was breached. It means that the police would have to be sure—well, to show the court or the Justice of the Peace, some evidence that the person breached the order. How would they do that?

In the case of the woman suggesting that the man “came there last night” when he was not supposed to—so he breached the order not to come to that address—he came at 2 o’ clock in the morning. The police cannot, on the basis of that, simply get a warrant to arrest him, could they?

**Mr. Maharaj:** What has been happening is that there have been many breaches of orders and there has been no action taken, nothing has been done, because the person has to go and take the step—*[Interruption]*

**Mr. Hinds:** I appreciate that, but in order to get this warrant—

**Mr. Maharaj:** He has to go to a Justice of the Peace, a court, or a magistrate. He has to satisfy the magistrate that there is an order, and a breach with some statement and so forth, then he gets the warrant. Without the warrant it means that he could have gone arbitrarily, which is what we want to prevent.

**Mr. Hinds:** As it happens now, if somebody breaches a domestic violence order, all the offended person does is to go to a police officer, show there is an order, and say, “He breached it,” and identify him. The police are now in a position to arrest him.

**Mr. Maharaj:** Under the existing law?

**Mr. Hinds:** Yes.

**Mr. Panday:** That is what I was going to ask. What is the existing position? If that is the case, this is redundant. I agree with you totally.

**Mr. Hinds:** That is the point I am advancing. If you have to go over the process of getting a warrant, it means the police have to get other information.

**Mr. Panday:** If someone violates an order—*[Interruption]*—but if you do that you make the present position worse. This is what the distinguished Member for Laventille East/Morvant is saying, if you take out “or without”, it now means that you can only arrest him with a warrant. *[Crosstalk]* I would like to know what the present law is.

**Mr. Maharaj:** In section 24 of the existing Act it says, “where a protection order or an interim protection order is made or varied by the court...” I do not think you have a relevant—*[Interruption]*

**7.05 p.m.**

Under the 1991 statute, it seems that what you used to have to do—let me read 18. That is probably what you are talking about. Where an interim Protection Order is made and there is a violation and the person contravenes, he is guilty of an offence and punishable by a fine not exceeding \$5,000.00.

**Mr. Panday:** What is the process of having him—what is it—

**Mr. Maharaj:** And under 22 it states:

“Where a police officer believes on reasonable grounds that a person has committed or is committing an offence under section 18 of this Act,”

which is a breach of the Order:

“he shall make an arrest without a warrant.”

**Mrs. Persad-Bissessar:** So what is the problem?

**Mr. Panday:** Why are we changing that?

**Mr. Maharaj:** No, but this Act is replacing—it is a new one.

**Mr. Panday:** Oh, I see.

**Mrs. Persad-Bissessar:** Yes, but you see you are now raising objection to 24. You said you do not want 24.

**Mr. Valley:** That is right, I do not want 24.

**Mrs. Persad-Bissessar:** But 24 was there before this Bill came to you.

**Mr. Valley:** But, my dear, I am saying, listen—*[Interruption]*

**Mr. Maharaj:** What you are saying is that it will be taking away some of the—*[Interruption]*

**Mr. Valley:** No, no, no, listen. Remember you are saying that the Criminal Law Act applies to this Act; clearly. It always applied. All we are saying is that under that Act in some situations a warrant may not be necessary and if that is so, that is fine. So you still have the privilege, perhaps, to arrest in certain situations without warrant. However, there are some cases, for example, I mean even if the order says, “Listen, I must not telephone the lady” and I am still telephoning her,

okay, that is not covered under the Criminal Law Act. Therefore, if you want to arrest me for being in breach of that Order then you have to get a warrant. That is all we are saying.

**Mr. Maharaj:** But the Criminal Law Act does not apply to a contempt because it has to be an offence for which you have five years. This is to protect women who get Orders in their favour, there are breaches of the Order and this shortens the process. When the 1991 Act was passed it recognized—and I think that Act was passed during, I do not know which administration—that these victims could not be subjected to that kind of process. Therefore, you gave the police that. Since this Act was repealing and replacing we took that, obviously, and put it back in.

**Mr. Bereaux:** But it says under the—which one gives the—this does not resemble the—could you read that procedure? I was trying to—

**Mr. Maharaj:** Yes. I have to read both sections for you to understand it. Under section 18, which deals with the breach of a Protection Order or undertaking it reads:

“Where—

- (a) a protection order or an interim protection order is made and—
  - (i) the respondent was present at the time the protection order or interim protection order was made; or
  - (ii) where the respondent was not present at the time the protection order or interim protection order was made but the order has been served personally on the respondent; and
- (b) the respondent contravenes the order in any respect,
 

the respondent is guilty of an offence punishable on summary conviction, by a fine not exceeding \$5,000 or imprisonment for a period not exceeding six months or both.”

And under section 22 now, the procedure for getting that says:

“Where a police officer believes on reasonable grounds that a person has committed or is committing an offence under section 18 of this Act, he shall make an arrest without a warrant.”

**Mrs. Persad-Bissessar:** This is simplified but it is the same provision.

**Mr. Bereaux:** Leave the law as it is. Do not change it.

**Mr. Maharaj:** It is the same thing, because a breach of an order is an offence under this Act. And what we say under 24 is:

“Where an Order is in force and a police officer—

- (a) is satisfied, by the way of complaint, that a breach of the Order has occurred; or
  - (b) believes on reasonable grounds that a person has committed or is committing a breach of the Order,
- he may detain and arrest that person with or without a warrant.”

**Mr. Imbert:** You could delete (a).

**Mr. Maharaj:** Delete (a)? But if the person makes a complaint that there is a breach of the Order—

**Mr. Imbert:** The present Act deals with “reasonable grounds”. It does not talk about “complaint” at all.

**Mr. Breaux:** We like the present Act. It works.

**Mr. Imbert:** This is the same thing about invitation and somebody carrying news and that kind of thing.

**Mr. Breaux:** The present Act works and it is there—*[Interruption]*

**Mr. Maharaj:** Do you understand what I am saying?

**Mr. Panday:** We may need to draft a clause that combines 18 and 22.

**Mr. Imbert:** Right. No, but this brings in the concept of a complaint.

**Mr. Breaux:** It originates with a complaint, you know.

**Mr. Valley:** He is talking about 18 and 22 in that Act.

**Mr. Imbert:** I know. Does 18 refer to a complaint at all?

**Mr. Maharaj:** Yes, but under the Summary Courts Act, if there is an offence and it is a summary offence, you could always bring a complaint. So where in section 18 it says that you are guilty of an offence, it means that you are guilty of an offence either on a summary complaint brought by the individual or brought by the police. In order for the process to start, you must have a complaint and all this says is—this is really the style in it—one way it is satisfied by way of complaint that a breach of an order has occurred. So the police officer must be satisfied by a complaint that a breach of the order has occurred, or, if he believes on reasonable

grounds, even without a complaint, that there is a breach of an order, he will detain and arrest the person.

**Mr. Imbert:** How about changing the words to say, “believes on reasonable grounds by way of complaint or a person has committed or is committing a breach of the Order”? I just would like reasonable grounds to apply to the whole question of satisfaction.

**Mr. Maharaj:** I wonder if Members could understand this again? All this does is that it is saying in clause 24, where there is a breach of an order that the police officer can arrest without a warrant. How is that breach of an order determined by the police? One, he can be satisfied by a complaint to him that there is a breach of an order or, without a complaint, he would know that a breach of an order has occurred and on reasonable grounds he can arrest the person.

**Mr. Imbert:** Under the present law? Could you just read the words of the present—section 18.

**Mr. Maharaj:** Under the present law it says:

“Where a police officer believes on reasonable grounds that a person has committed...”

which means that he can believe either on the basis of a complaint made to him or on the basis—[*Interruption*]

**Mr. Imbert:** So why do you have to bring in the complaint thing at all? Why not just say—if the present law is, “believes on reasonable grounds”, leave it as “believes on reasonable grounds”.

**Mr. Maharaj:** If you want to. I do not see any problem with it.

**Mr. Panday:** Since you are repealing the whole Act you must have something to relate to when the order is breached.

**Mr. Maharaj:** You see the complaint—he must be satisfied on a complaint—[*Interruption*]

**Mrs. Persad-Bissessar:** It is a case where a wife or a husband, whoever has the order in force, goes to an officer and, the same thing you said, calls and says X or Y is happening, makes a complaint, the officer can then act. If you go only on reason—but it is explicit. Under “on reasonable grounds”, that includes by way of complaint, you know.

**Mr. Panday:** Because the process of getting a warrant may take a day or so and he—[*Interruption*]

**Mr. Valley:** [*Inaudible*]

**Mrs. Persad-Bissessar:** No, no, no, not necessarily.

**Mr. Panday:** He has to go and swear before a Justice of the Peace, he has to swear to an affidavit to establish the ground and so on and so forth.

**Mrs. Persad-Bissessar:** He has to first find the Justice of the Peace or the magistrate.

**Mr. Panday:** Is that not right?

**Mrs. Persad-Bissessar:** Ask Mr. Bereaux or Mr. Hinds.

**Mr. Panday:** Mr. Chairman, I believe the dictionary meaning allows me to call him “colleague”.

**Mr. Imbert:** No, no, you cannot. Anyhow, Mr. Attorney General, do you have a form of words?

**Mr. Maharaj:** Well if you like clause 22 I would suggest, thinking aloud:

“Where a police officer believes on reasonable grounds that a person has committed or is committing a breach of the Order, he shall make an arrest without a warrant.”

That is the same thing as in 22 except that—[*Interruption*] Because it is related to it. It is the same thing as in 22. He may detain and arrest a person without a warrant. So could I—could you see if you could write what I am saying—[*Interruption*]

**Mr. Imbert:** Mr. Attorney General, even though this is the existing law—[*Interruption*]

**Mr. Maharaj:** Let me see.

“Where an Order is in force and a police officer believes on reasonable grounds that a person has committed or is committing a breach of the Order, he may detain and arrest that person without a warrant.

So I am taking out (a).

**Mr. Imbert:** I just have a query. What about the concept of harassment? I just want you to think about it. If an order is in force and a police officer wants to be mischievous, he could just arrest—[*Interruption*]

**Mr. Panday:** Or even the lady.



**Mr. Imbert:** Whatever, the lady—the person could just be arrested every day.

**Mr. Maharaj:** No.

**Mr. Imbert:** No, because it is without a warrant.

**Mrs. Persad-Bissessar:** But it has been like that since—*[Interruption]*

**Mr. Imbert:** I know, but does that make it right?

**Mr. Panday:** But he would have to have reasonable cause, would he not?

**Mr. Imbert:** I do not know.

**Mr. Panday:** And if he does it without reasonable grounds he is liable.

**Mrs. Persad-Bissessar:** Yes.

**Mr. Maharaj:** But, in effect, what we are doing here is repeating the same thing that was in the 1991 Act.

**Mr. Imbert:** Yes, but that does not mean it was good law. That is why I want you to think about it.

**Mr. Maharaj:** When he is arrested he is taken—*[Interruption]*

**Mr. Hinds:** He is not taken to jail, he goes before the magistrate—*[Interruption]*

**Mr. Maharaj:** He will go before the magistrate. He does not stay there for life because he has to go quickly before the magistrate and you have to justify—*[Interruption]*

**Mr. Hinds:** If they are satisfied.

**Mr. Maharaj:** —if they are satisfied and so forth. So it is not that he is going to jail and that is the end of it.

**Mr. Imbert:** Could I ask you to consider that the provisions of the amended clause 23, the amendments from the Senate, be also included in clause 24, (5), (6), (7)? Do you have a problem with that? What you have here as subclauses (5), (6) and (7)—*[Interruption]*

**Mr. Maharaj:** You mean in order for there to be safeguards?

**Mrs. Persad-Bissessar:** But this one is a bit different, you know. This is where an order is in force. This is a case when you have proved this person is a perpetrator of domestic violence.

**Mr. Imbert:** Before.

**Mrs. Persad-Bissessar:** No, this one, now, the proposed 24.

**Mr. Imbert:** No, no, I know.

**Mrs. Persad-Bissessar:** Where the order is in force.

**Mr. Imbert:** We are dealing with abuse. We are dealing with a policeman arresting a man without a warrant on frivolous grounds. Why should not the policeman, if he is in fact guilty of doing that, be subject to these provisions that he has to file a report and so forth?

**Mrs. Persad-Bissessar:** But why is it frivolous grounds? Why are you saying it is frivolous?

**Mr. Imbert:** It could be because the man has an order over him and the police have a right now—*[Interruption]*

**Mrs. Persad-Bissessar:** But there is an order.

**Mr. Imbert:** It does not matter. The police have the right to arrest him without a warrant and he may not have committed any offence at all. He may not have breached the order at all.

**Mr. Maharaj:** Mr. Chairman, if I may, one of the things we have to balance also is if you make this thing so bureaucratic—*[Interruption]*

**Mr. Imbert:** No, I understand.

**Mr. Maharaj:** —with a lot of paper and terrorize policemen, policemen would not intervene. All that I can tell you is that we must understand the fears, and we have tried our best, and with combination, to put in as many safeguards, but this has been in existence since 1991 and nobody has complained. From all the seminars and consultations and everything, nobody has complained about the working of this section.

**Mr. Panday:** So we could repeat it.

**Mr. Maharaj:** So that we could repeat it.

**Mr. Imbert:** Nobody has complained? All right, let me hear your form of words?

**Mr. Maharaj:** What I was going to do is delete (a).

“Where an Order is in force and a police officer believes on reasonable grounds that a person has committed or is committing a breach of the Order, he may detain and arrest that person without a warrant.”

**Mr. Imbert:** I told you that about five minutes ago.

**Mr. Maharaj:** But you are still fighting me.

**Mr. Imbert:** No, no, I am not fighting you. You should have listened then.

**Mr. Maharaj:** But in order to have consensus I decided to go with it.

**Mr. Imbert:** Oh God, “doh try dat”.

**Mr. Chairman:** So hon. Members, we seem to have agreement on that. We will consider the amendment to clause 24 which will be to delete (a) and (b) and the new 24 will read:

“Where an Order is in force and a police officer believes on reasonable grounds that a person has committed or is committing a breach of the Order he may detain and arrest that person without a warrant.”

*Question put and agreed to.*

*Clause 24, as amended, ordered to stand part of the Bill.*

**7.20 p.m.**

*Clause 25 recommitted.*

*Question proposed, That clause 25 stand part of the Bill.*

**Mrs. Persad-Bissessar:** Mr. Chairman, I beg to move that clause 25 be amended as follows:

In subclause (1) delete the word “threatening” and substitute the word “attempting”.

*Question put and agreed to.*

*Clause 25, as amended, ordered to stand part of the Bill.*

*New clause 23A.*

**Mrs. Persad-Bissessar:** Mr. Chairman, I propose a new clause 23A which reads as follows:

Insert the following clause after clause 23:

Duty of police  
officer to assist  
victims

23A. Where a police officer has entered on to  
premises in furtherance of sections 22  
and 23(1) he shall—

- (a) give assistance to a person who has suffered injury;

*Domestic Violence Bill*  
[HON. K. PERSAD-BISSESSAR]

*Wednesday, September 1, 1999*

- (b) ensure the welfare and safety of a child who may be on the premises; and
- (c) prevent any further breach of the law.

*New clause 23A read the first time.*

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

*Question put and agreed to.*

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

*Question put and agreed to.*

*New clause 23A added to the Bill.*

*Preamble ordered to stand part of the Bill.*

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

*House resumed.*

*Bill reported, with amendment.*

*Question put, That the Bill be now read the third time.*

**Mrs. Persad-Bissessar:** Mr. Speaker, I would ask for a division please, because we need a special majority.

*The House divided:      Ayes 27      Noes 0*

AYES

Maharaj, Hon. R. L.

Panday, Hon. B.

Persad-Bissessar, Hon. K.

Griffith, Dr. The Hon. R.

Humphrey, Hon. J.

Sudama, Hon. T.

Maraj, Hon. R.

Rafeeq, Dr. The Hon. H.

Khan, Dr. F.  
Assam, Hon. M.  
Job, Dr. The Hon. M.  
Singh, Hon. G.  
Partap, Hon. H.  
Mohammed, Dr. The Hon. R.  
Singh, Hon. D.  
Ramsaran, Hon. M.  
Sharma, C.  
Ali, R.  
Valley, K.  
Imbert, C.  
Hart, E.  
Bereaux, H.  
Joseph, M.  
Sinanan, B.  
Hinds, F.  
Boynes, R.  
Williams, E.

*Question agreed to.*

*Bill accordingly read the third time and passed.*

#### ADJOURNMENT

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, there were other matters to be done today, but following consultation with the Opposition Chief Whip, we have agreed that in addition to debating the Supplementary Variation Bill on Friday, we will also do Senate amendments to the Sawmills (Amdt.) (No. 2) Bill, the Forests (Amdt.) (No. 2) Bill, the Freedom of Information (No. 2) Bill and the Land Acquisition Motion.

*Adjournment*  
[HON. R. L. MAHARAJ]

*Wednesday, September 1, 1999*

Mr. Speaker, I beg to move that this House now stand adjourned to Friday, September 3, 1999 at 1.30 p.m.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 7.26 p.m.*

**WRITTEN ANSWER TO ORAL QUESTION**

*The following question was asked by Mr. Kenneth Valley (Diego Martin Central):*

**Letters of Comfort Recipients  
State Lands (Regularisation of Tenure)**

- 76.** 1. Could the Minister of Housing and Settlements inform the House:
- (a) the number of persons who have received Letters of Comfort as at July 24, 1999;
  - (b) the date on which section 9(2) of the State Lands (Regularisation of Tenure) Act, 1998 (Act No. 25 of 1998) was complied with;
  - (c) the date on which sections 11(2) and 11(3) of Act No. 25 of 1998 were complied with by each applicant?
2. Could the Minister inform the House whether an adult child of a person who qualifies for regularisation under Act No. 25 of 1998 would be given preference for regularisation where the property exceeds one lot?

*The following written reply to Question No. 76 was circulated to Members of the House:*

**RESIDENTS WHO RECEIVED CERTIFICATES OF COMFORT ON JULY 8, 1999**

**River Estate**

**Jean Avenue:**

No.	Names	Date sworn * Form A	Date sworn * Form B	Date sworn * Form B
1.	Nathaniel Reason—Lot # 32	28/6/99	28/6/99	28/6/99
2.	Newsam White—Lot # 22	28/6/99	28/6/99	28/6/99
3.	Rufus Copeland—Lot # 23	28/6/99	28/6/99	28/6/99

*Written Answer to Question**Wednesday, September 1, 1999*

No.	Names	Date sworn * Form A	Date sworn * Form B	Date sworn * Form B
4.	David & Laura Hoyte—Lot # 56	28/6/99	28/6/99	28/6/99
5.	Agatha Duprey—Lot # 7	28/6/99	28/6/99	28/6/99
6.	Jestina Thomas—Lot # 12	28/6/99	28/6/99	28/6/99
7.	Satnarine & Rosita Singh—Lot # 37	28/6/99	28/6/99	28/6/99

**Tomato Trace:**

No.	Names	Date sworn Form A	Date sworn Form B	Date sworn Form B
1.	Samuel Douglas—Lot # 56	1/7/99	1/7/99	1/7/99
2.	Aloma Scott Burgin—Lot # 44	1/7/99	1/7/99	1/7/99
3.	Edward Harewood—Lot # 24	7/7/99	7/7/99	7/7/99
4.	Alim Mohammed—Lot # 7	1/7/99	1/7/99	1/7/99
5.	Glen Kent—Lot # 10	1/7/99	1/7/99	1/7/99
6.	Samuel Baliram—Lot # 71	6/7/99	6/7/99	6/7/99
7.	Conrad & Pamela Charles—Lot # 39	1/7/99	1/7/99	1/7/99
8.	Gertrude Francis—Lot # 43	1/7/99	1/7/99	1/7/99

**Bagatelle:**

No.	Names	Date sworn Form A	Date sworn Form B	Date sworn Form B
1.	George & Vera Daly Second Trace	01/07/99	01/07/99	01/07/99
2.	Donald & Jacqueline Walker Lot # 17 Sea Trace	28/06/99	28/06/99	28/06/99
3.	Ferria Mussio Lot # 19 Sea Trace	28/06/99	28/06/99	28/06/99
4.	Wayne Arthur Savannah Terrace # 1	29/06/99	29/06/99	29/06/99
5.	Peter & Jemma Mc Kie Mahagony Trace	28/06/99	28/06/99	28/06/99
6.	Rita George Lot # 49 Second Trace	30/06/99	30/06/99	30/06/99

*Written Answer to Question*  
[HON. J. HUMPHREY]

*Wednesday, September 1, 1999*

\* Part III Section 11, Item 3 of Act No. 25 of 1998 states that:

The application shall be in the form of a sworn declaration as prescribed and shall be supported by evidence as to the existence of the squatter's occupation before the appointed day and such evidence shall include the declaration of two deponents who are not relatives of the squatter who attest to the fact that the squatter was in actual occupation of the dwelling house before the appointed day.

**Blue Basin/Cicada:**

No.	Names	Date sworn Form A	Date sworn Form B	Date sworn Form B
1.	Urban Phillip Lot # 141 Isaac Trace	30/06/99	30/06/99	30/06/99
2.	Kelvin Polycarp Sempel Lot # 115 Cicada Street	28/06/99	30/06/99	30/06/99
3.	Hugh Clarke Field Trace	29/06/99	29/06/99	29/06/99
4.	Anthony Lawrence Lot # 60 Blue Basin	7/07/99	7/07/99	7/07/99
5.	Andy Arnold Mader & Felicia Mader Sea Trace Ext.	28/06/99	28/06/99	28/06/99
6.	June Martineau & Clarence Wharff Andrew Street	28/06/99	28/06/99	28/06/99
7.	Shirley Hayes Lot # 16 Blue Basin	28/06/99	28/06/99	28/06/99
8.	Cheryl Salandy Francis Andrew Street	28/06/99	28/06/99	28/06/99

**Zone 8**

No.	Names	Date sworn Form A	Date sworn Form B	Date sworn Form B
1.	George St. Claire—Lot # 103	30/06/99	30/06/99	30/06/99
2.	Leslia Blake—Lot # 136	04/07/99	04/07/99	04/07/99
3.	Carson Melville—Lot # 132	04/07/99	04/07/99	04/07/99
4.	Debbie Peterson—Lot # 161	04/07/99	04/07/99	04/07/99
5.	Michael Liverpool—Lot # 83	04/07/99	04/07/99	04/07/99



*Written Answer to Question**Wednesday, September 1, 1999*

<b>No.</b>	<b>Names</b>	<b>Date sworn * Form A</b>	<b>Date sworn * Form B</b>	<b>Date sworn * Form B</b>
6.	Isaac Trotman—Lot # 183	30/06/99	30/06/99	30/06/99
7.	Sybil & Kieran Galera—Lot # 147	30/06/99	30/06/99	30/06/99
8.	Ann Marie Cardinez—Lot # 148	30/06/99	30/06/99	30/06/99
9.	Joanne Bernard—Lot # 108	30/06/99	30/06/99	30/06/99
10.	Vinola Rodney—Lot # 30	30/06/99	30/06/99	30/06/99
11.	Julia Christiana Montrose—Lot # 87	30/06/99	30/06/99	30/06/99
12.	Janice Frederick—Lot # 85	30/06/99	30/06/99	30/06/99
13.	Jonathan Blake—Lot # 164	30/06/99	30/06/99	30/06/99
14.	Marva Campbell—Lot # 122	30/06/99	30/06/99	30/06/99
15.	Janet Chance—Lot # 157	30/06/99	30/06/99	30/06/99
16.	Anthony Ward & Elizabeth Ramsammy—Lot # 119A	30/06/99	30/06/99	30/06/99
17.	Roy Augustine Baptiste—Lot # 96	30/06/99	30/06/99	30/06/99
18.	Augustine John—Lot # 59	30/06/99	30/06/99	30/06/99
19.	Wendell Williams—Lot # 144	04/07/99	04/07/99	04/07/99
20.	Anselm Lewis—Lot # 139	30/06/99	30/06/99	30/06/99
21.	Eugene & Anne Garcia—Lot # 156	30/06/99	30/06/99	30/06/99
22.	Withmore & Mildred James—Lot # 110	30/06/99	30/06/99	30/06/99
23.	Marie & Nicholas Trotman—Lot # 184	30/06/99	30/06/99	30/06/99
24.	Dinah Trotman & Prince Dyer— Lot # 100	30/06/99	30/06/99	30/06/99
25.	Joseph & Dianne Lewis—Lot # 168	30/06/99	30/06/99	30/06/99
26.	Winston & Susan Frank—Lot # 174	30/06/99	30/06/99	30/06/99
27.	Jean & Michael Rampersad—Lot # 92	30/06/99	30/06/99	30/06/99
28.	Cherry Ann & Dianne Joseph— Lot # 141A	30/06/99	30/06/99	30/06/99

*Written Answer to Question*  
[HON. J. HUMPHREY]

*Wednesday, September 1, 1999*

**Bamboo Settlement #3**

<b>No.</b>	<b>Names</b>	<b>Date sworn Form A</b>	<b>Date sworn Form B</b>	<b>Date sworn Form B</b>
1.	Deopersad Bhagoutie—Lot # 178	30/06/99	30/06/99	30/06/99
2.	Tara Singh—Lot # 84A	30/06/99	30/06/99	30/06/99
3.	Veejai Dalipsingh—Lot # 164A	30/06/99	30/06/99	30/06/99
4.	Andrew Jattan—Lot # 140A	30/06/99	30/06/99	30/06/99
5.	Kenneth & Farida Sookoo—Lot # 295	30/06/99	30/06/99	30/06/99
6.	Naresh Maharaj—Lot # 232	02/07/99	02/07/99	02/07/99
7.	Hardeo Babwah—Lot # 195	30/06/99	30/06/99	30/06/99
8.	Kenny Jattan—Lot # 141	03/07/99	03/07/99	03/07/99
9.	Dolly Jagdeo—Lot # 185	30/06/99	30/06/99	30/06/99
10.	George Rahim—Lot # 101	02/07/99	02/07/99	02/07/99
11.	Samad Hosein—Lot 80	30/06/99	30/06/99	30/06/99
12.	Kenneth Ramdeen—Lot # 182	30/06/99	30/06/99	30/06/99
13.	Dyanand Mally—Lot # 228	30/06/99	30/06/99	30/06/99
14.	Charran Dill—Lot # 103	30/06/99	30/06/99	30/06/99
15.	Geetamati Jugmohan & Sieunarine Samaroo—Lot # 243	30/06/99	30/06/99	30/06/99
16.	Ashmeed & Mazmin Hassan- Ali—Lot # 85A	30/06/99	30/06/99	30/06/99
17.	Jairaj Bhagoutie & Omadai Jairaj—Lot # 175	30/06/99	30/06/99	30/06/99
18.	Rajdaye Sookoo—Lot # 207	30/06/99	30/06/99	30/06/99
19.	Cyril Sookoo—Lot # 293	30/06/99	30/06/99	30/06/99
20.	Ramraj & Lallie Yankatasu—Lot # 171	30/06/99	30/06/99	30/06/99
21.	Sookdeo Barath—Lot # 66	30/06/99	30/06/99	30/06/99
22.	Nanlal & Roney Rampersad— Lot # 145	30/06/99	30/06/99	30/06/99
23.	Chris & Pamela Maraj—Lot # 198A	30/06/99	30/06/99	30/06/99

*Written Answer to Question**Wednesday, September 1, 1999*

<b>No.</b>	<b>Names</b>	<b>Date sworn Form A</b>	<b>Date sworn Form B</b>	<b>Date sworn Form B</b>
24.	Rajpal Sookoo & Zaniba Ali-Sookoo—Lot # 233	30/06/99	30/06/99	30/06/99
25.	Taramatee Ramlal—Lot # 180	30/06/99	30/06/99	30/06/99
26.	Andrew Ramsingh—Lot # 165	30/06/99	30/06/99	30/06/99
27.	Deo Mally—Lot 176	30/06/99	30/06/99	30/06/99
28.	Jassodra & Roy Siew—Lot # 169	06/07/99	06/07/99	06/07/99
29.	Krishna & Shantie B. Sadoo—Lot # 299	06/07/99	06/07/99	06/07/99

**Wallerfield Phase I**

<b>No.</b>	<b>Names</b>	<b>Date sworn Form A</b>	<b>Date sworn Form B</b>	<b>Date sworn Form B</b>
1.	Ryan Partap & Melissa Monderoy—House Lot #137	30/06/99	30/06/99	30/06/99
2.	Peter Simon—House Lot # 162	30/06/99	30/06/99	30/06/99
3.	Grace Alleyne—House Lot # 171	30/06/99	30/06/99	30/06/99
4.	Nighill Francis and Farida Ali—Lot # 145	30/06/99	30/06/99	30/06/99
5.	Claudia Ramlakan—Lot # 156	30/06/99	30/06/99	30/06/99
6.	Rollister & Margaret Benn—Lot # 153	30/06/99	30/06/99	30/06/99
7.	Bona & Kamala Khoon Khoon—Lot # 129	30/06/99	30/06/99	30/06/99
8.	Marlene Hazel—Lot # 121	30/06/99	30/06/99	30/06/99
9.	Anthony & Chanmatie Morales—Lot # 152	30/06/99	30/06/99	30/06/99
10.	Junior Williams—Lot # 125	30/06/99	30/06/99	30/06/99
11.	Krishnarine Lalla & Dhararndaye Jaikaran—Lot # 135	30/06/99	30/06/99	30/06/99
12.	Beverly Willington—Lot # 126	30/06/99	30/06/99	30/06/99

*Written Answer to Question*  
[HON. J. HUMPHREY]

*Wednesday, September 1, 1999*

No.	Names	Date sworn * Form A	Date sworn * Form B	Date sworn * Form B
13.	Bernard Malchan & Yvette Samuel Malchan—Lot # 168	30/06/99	30/06/99	30/06/99

**Wallerfield Phase II**

No.	Names	Date Sworn
1.	Sharon Marcano—Lot # 89	June 30, 1999
2.	Ruthven Fitz & Patrick Romeo—Lot # 8	June 30, 1999
3.	Hugh Glaude—Lot # 16	June 30, 1999
4.	Christopher Earl Matasaran—Lot # 6	June 30, 1999
5.	Theodora Alexander & Ben Lewis—Lot # 85	June 30, 1999
6.	Francis De Leon—Lot # 17	June 30, 1999
7.	Stephen John & Elizabeth Charles—Lot # 7	June 30, 1999
8.	Jennifer Rogers—Lot # 13	June 30, 1999
9.	Haggan Peters & Patricia Serette—Lot # 81	June 30, 1999
10.	Cyril Simon Lewis & Hazel Rose Richards—Lot # 88	June 30, 1999
11.	Sue Anne Laverne P. Patrick—Lot # 10	June 30, 1999
12.	Ronald Ramdeen Ramsamooj & Cindy B. John-Ramsamooj—Lot # 84	July 01, 1999

**K. P. Lands Valencia**

No.	Names	Date sworn Form A	Date sworn Form B	Date sworn Form B
1.	Vincent & Angela Alexander—Lot # 165	29/06/99	29/06/99	29/06/99
2.	Anna Hernandez—Lot # 154	29/06/99	29/06/99	29/06/99
3.	Sopherino & Veronica Ceden—Lot # 168	30/06/99	30/06/99	30/06/99
4.	Nicholas Campo & Sharlene Alexander—Lot # 161	29/06/99	29/06/99	29/06/99
5.	Deonath Singh & Joycelyn Maraj—Lot # 80	29/06/99	29/06/99	29/06/99

*Written Answer to Question**Wednesday, September 1, 1999*

<b>No.</b>	<b>Names</b>	<b>Date sworn * Form A</b>	<b>Date sworn * Form B</b>	<b>Date sworn * Form B</b>
6.	Angela Jemma Ramoutar & Kelvin Daniel Reyes—Lot # 58	29/06/99	29/06/99	29/06/99
7.	Sylvester Cedeno & Sumintra Deokalie—Lot # 163	29/06/99	29/06/99	29/06/99
8.	Roger & Lynette Wiggins—Lot # 120	29/06/99	29/06/99	29/06/99
9.	Solomon & Angela Aguilera—Lot # 269	29/06/99	29/06/99	29/06/99
10.	Margaret Subero—Lot # 36	29/06/99	29/06/99	29/06/99
11.	John Holder & Wendy Williams—Lot # 69	29/06/99	29/06/99	29/06/99
12.	Elizabeth Campo—Lot # 157	29/06/99	29/06/99	29/06/99
13.	Nestor & Molly Gopee Cooper—Lot # 157	29/06/99	29/06/99	29/06/99
14.	Bernard & Hardai De Freitas—Lot # 179	29/06/99	29/06/99	29/06/99
15.	David Chandar Gadar & Rowtie Gadar—Lot # 175	29/06/99	29/06/99	29/06/99
16.	Leslie & Sharon Edwards—Lot # 102	29/06/99	29/06/99	29/06/99
17.	Lorna Davis & Ivan John—Lot # 255	29/06/99	29/06/99	29/06/99
18.	Khillamatee Beekram—Lot # 260	29/06/99	29/06/99	29/06/99
19.	Ann Marie James & Roger Peters—Lot # 114	01/07/99	29/06/99	29/06/99
20.	John Paponette & Elizabeth Johnson—Lot # 253	26/06/99	26/06/99	26/06/99
21.	Shantie Prescott—Lot # 271	29/06/99	29/06/99	29/06/99
22.	Clive La Fortune & Ann Marie Campbell—Lot # 107	29/06/99	29/06/99	29/06/99