

Leave of Absence

Friday, November 12, 1999

HOUSE OF REPRESENTATIVES

Friday, November 12, 1999

The House met at 1.34 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon, Members, I wish to advise that communication has been received from the Member for Couva North and the Member for Naparima in respect of their being out of the jurisdiction officially, and also from the Member for Arouca South who has asked to be excused from sittings of the House of Representatives between today and December 06, 1999. The leave of absence which they seek is granted.

OCCUPATIONAL SAFETY AND HEALTH (NO. 2) BILL

A Bill respecting the safety, health and welfare of persons at work [*The Minister of Labour and Co-operatives*]; read the first time.

PAPER LAID

Report on the Terms and Conditions relating to the US \$230-Mn. Eurobond Issue. [*The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj)*]

ORAL ANSWERS TO QUESTIONS

**Winsure Insurance/Maritime Life
(Independent Actuary)**

The following question stood on the Order Paper in the name of Mr. Kenneth Valley (Diego Martin Central):

- (5) (a) Will the Minister of Finance inform this House whether in accordance with section 86(i)(f) of the Insurance Act, the Supervisor of Insurance has caused an independent actuary to do a report on the Scheme of Transfer of the Winsure insurance portfolio to Maritime Life?
- (b) If the answer is in the affirmative, will he state whether the independent Actuary has determined the shortfall in the statutory fund as at December 31, 1995 taking into consideration the provisions of the Scheme of Transfer sanctioned by the Court?

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- (c) Will the Minister also inform the House of the specific issues on which the independent actuary was requested to advise?
- (d) Will the Minister lay a copy of the independent actuary's report in Parliament?

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I spoke to the Opposition Chief Whip before the sitting commenced and I indicated to him that I would ask for a deferral of two weeks for question for No. 5, the only question on the Order Paper. He indicated that he would have no objection.

Question, by leave, deferred.

LAND ACQUISITION

[SECOND DAY]

Order read for resuming adjourned debate on question [November 05, 1999]:

RESOLVED:

That this House approve the decision of the President to acquire the land described in the Appendix for the public purpose specified.

Question again proposed.

Mr. Speaker: The Minister had utilized just one minute's speaking time and he just has 44 minutes of speaking time left.

The Minister of Housing and Settlements (Hon. John Humphrey): Mr. Speaker, on the last occasion when we were seeking to wind up this Motion for the acquisition of Palmiste Pasture to be established as a public park, the Member for San Fernando West had raised some queries about the procedure, and we did not want to proceed with the final resolution of the Motion until we could clarify the questions that were raised. I am now in a position, in fact, to clarify those questions. So I would like to put on record the following:

It pertains to the acquisition of land comprising 17.2499 hectares known as "the Pasture" in Palmiste for a national park. In the debate, on the last occasion, a number of issues were raised and I now, in fact, have clarification. One of them was: why has the acreage of land changed during the publication of the notice for acquisition by the Commissioner of State Land? Another question was: why was it necessary to return to the House again, after Parliament had approved it in 1996?

In connection with the first question, under the Land Acquisition Act No. 28 of 1994, the acquisition of property of this nature by the state involves the publication of three notices. Notice No. 1 is a notice published under section 3 of the said Act. Here, the state declares its intention to acquire a parcel of land for public purposes. At this point an approximate acreage is identified, since the state is not in a position to determine the specific acreage involved in that state land.

Notice No. 2 is published under section 4 of the said Act, authorizing the Commissioner of State Lands to enter upon the said lands without waiting for a formal vesting of the land in the state under section 5 and to apply it for any purpose connected with the use to which it is intended to be put on acquisition. This notice is published no earlier than two months after the date of the publication of section 3, that is Notice No. 1.

1.40 p.m.

Following the publication of this notice, the Commissioner of State Lands enters and then conducts a survey to determine the precise acreage and boundary.

Notice No. 3: following the survey and the preparation of the approved survey plan by the Director of Surveys, Parliament is then approached for the formal acquisition of the property. Upon Parliament's approval a legal notice is then published in the *Trinidad and Tobago Gazette* for the acquisition. This request is made under section 5 of the Act. The acquisition becomes valid from the date of the publication of the notice and compensation is paid by the state.

In this particular acquisition, the acreage identified, 13 hectares, indicated in 1992 was an approximation since the state was not in a position to determine the precise acreage of the parcel in the absence of a survey plan. When the survey was completed and the precise acreage was determined, an approach was made to the Parliament for formal acquisition under section 5. In this particular matter, the section 5 notice referred to by the Member for San Fernando West, which was approved by resolution of the House of Representatives on June 14, 1996 and by the Senate on July 2, 1996, was published under section 5 of the Land Acquisition Act, Chap. 58:01. This Act was subsequently repealed and replaced by the new Land Acquisition Act, No. 28 of 1994, and was proclaimed on June 14, 1996, the same day on which the House of Representatives approved the section 5 notice under the old Act.

The Act was still in effect when this matter was placed on the Order Paper for the House of Representatives, in the month of June 1996. It was subsequently recognized that the section 5 notice that was published on September 10, 1996 to

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effect the acquisition had been done under the former legislation. An opinion was, therefore, sought from the Solicitor General as to the legality of the publication of section 5 under the old Act. The Solicitor General subsequently advised on October 10, 1996, and I quote:

“Based on the interpretation of section 40 of the Land Acquisition Act No. 28/1994 and on an application of the relevant principles governing the effect of the repeal of a statute, you are advised as follows:

1. The matter would have to be submitted to both Houses of Parliament again since as far as the law is concerned the approval of Parliament has not been properly obtained. This would however have to be done in accordance with the new Act.
2. The matter need not be resubmitted to Cabinet.
3. The notice which is required to be published must be republished pursuant to the new Act.”

Based on this advice, it was, therefore, necessary to return to the House to have section 5 approved under the new Act to give legal effect to the acquisition; so, in fact, what we were doing was being correctly done. I will have this copied and given to the Member for San Fernando West.

Mr. Speaker, that was the only query. I do not think that any Member of the House objected to the conversion of that particular parcel of land into a national park. I think that all citizens of the country who are familiar with that parcel of land would welcome the knowledge that it is being established as a national park.
[*Interruption*]

Dr. Rowley: Mr. Speaker, on a point of clarification: is this parcel of land being acquired and compensation being paid as per fair market value? Does this parcel of land have anything to do with an earlier mention of some grant, which was offered to the state by the previous owner? Could the Member please clarify that for me?

Hon. J. Humphrey: Mr. Speaker, I have no knowledge of those issues. I think the particular parcel of land was in the plan for the housing development identified as open space; that is as far as I know. [*Interruption*] No, I do not have an idea of what the compensation is, whether it is, in fact, a gift to the state.

Mr. Maharaj: Mr. Speaker, can I respond to that?

Mr. Speaker: Certainly.

Mr. Maharaj: There is a problem as to how compensation is assessed. When the new Act was passed there was an oversight. I think it was drafted under their administration. We, obviously, did not pick it up and the assessment seems not to be the present market value. It came to my attention a few days ago and I would undertake to come to Parliament to have that rectified so that people would be able to get the proper market value.

Mr. Sinanan: Mr. Speaker, I thank the Member for giving way and I apologize for being late. I think I got the gist of what the Member was saying, but how does that relate to the different areas of land, because in three separate notices you had 13, 16 and 17?

Hon. J. Humphrey: Unfortunately, the Member for San Fernando West was not here for the beginning, but when I send this document across to him he would get the answers to those questions about the entire process. When the first step is taken you are not aware of the actual acreage, it is a guesstimate, and it is only when you reach a certain stage you can actually send the surveyors in to determine the exact area.

If there are no other questions, Mr. Speaker—[*Interruption*]

Mr. Narine: Mr. Speaker, I thank the Member for giving way. Based on what the Member for Couva South said—[*Interruption*—are we going to expect that all those persons who were not paid for lands years ago, there would now be a new assessment and they would be paid the current value of their lands?

Hon. J. Humphrey: What the Attorney General said is that he is going to come to Parliament with an amendment to rectify that anomaly, so that is for people affected, at the present time. It cannot deal with people who went before with the old Act.

Mr. Speaker, I beg to move.

Question put and agreed to.

Resolved:

That this House approve the decision of the president to acquire the lands described in the Appendix for the public purpose specified.

APPENDIX

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>1. The parcel of land containing 17.2499 hectares more or less, situate at Palmiste, Phillipine, in the Ward of Naparima in the County of Victoria and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated 9th December, 1994 and filed in his office is required for a public purpose: A National Park.</p> <p style="text-align: center;">SCHEDULE</p> <p>The parcel of land known as the “Pasture” comprising 17.2499 hectares more or less situate at Palmiste, Phillipine, in the Ward of Naparima, in the County of Victoria, and said to belong now or formerly to Palmiste Estate Company.</p> <p>The parcel is more particularly shown coloured raw sienna on a Survey Plan filed as GA 107 in Book 1140, Folio 182, in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	<p>A National Park.</p>

DANGEROUS DOGS (NO. 2) BILL

[SECOND DAY]

Order read for resuming adjourned debate on question [November 05, 1999]:

Question again proposed.

That the Bill be now read a second time.

Mr. Speaker: I now call upon the hon. Attorney General who had utilized some 30 minutes of his speaking time and who has the balance of time remaining.

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, hon. Members would recall that when this matter was adjourned on the last occasion I was going through the provisions of the bill clause by clause, and stating what the bill attempts to do. I had reached clause 20, but in order to put

this back in perspective, may I say that what I said in summary on the last occasion was that when this issue came to the national attention, because of the vicious attacks and even deaths which followed some of the attacks by dangerous dogs, the Government had introduced a Bill in the Parliament and had made it clear that the Bill was being introduced but it was not cast in stone, and that the Bill was put out for public comment while it was even in the Parliament.

That Bill which was introduced would have placed a complete ban on the importation and breeding of dangerous dogs, and a complete ban on the importation of the semen of dangerous dogs, and would have facilitated the neutering of all dangerous dogs. Based on the comments we received from the national community, both from groups and individuals, there was a clamour by the national community that although it recognized that these dogs are dangerous, there should not be a complete ban.

Mr. Speaker, what I said on the last occasion but I just wanted to summarize, was that based on these matters which the Government considered, we decided to come with this new Bill which put a regulatory framework in place by requiring that dangerous dogs be muzzled and kept on lead while in public places; that there is an obligation on the owners of these dogs to ensure that their premises on which these dogs are kept are secured and maintained so as to prevent the escape of these dogs; that the owners of a dangerous dog is strictly liable for that dog.

The Bill also requires the owners of dangerous dogs to have them licensed annually. There is an obligation on local and regional corporations in order to see that the law is implemented, that the owners of dogs are required to hold liability insurance for the protection of victims of attack by these dogs, and there are severe penalties and punishments for the contravention of the provisions of the law.

Mr. Speaker, some of the organizations, which expressed views on these matters included: the Trinidad and Tobago Society for the Prevention of Cruelty to Animals. This organization strongly supported the view that the pit bull should not be banned but that the breed needed to be controlled. Then there was the Working Dogs Association of Trinidad and Tobago which did not support the ban on these dogs; the Dog Training Club, there was, obviously, the Pit Bull Owners' Association and there were several comments from members of the public. I should say that the community was divided on this issue, then the Government had to make a policy decision.

I would deal with some of that a little later in my contribution. I have dealt with clause 20 of the Bill. We had said that clause 20 aims at protecting the liability of a veterinary surgeon who, in his professional capacity, receives a dangerous dog for care and treatment. Although he is expected to exercise the general duty of reasonable care, which he owes under the law, while a dangerous dog is in his professional care, he is exempt from the general provisions of the Bill which make reference to a person in charge of a dangerous dog.

Clause 21 of the Bill provides for a person to pursue a civil action for an offence committed under the Act and excludes from the application of the Act the common law principle of *scienter*. I had explained on the last occasion that that old common law rule necessitated someone to prove that he was aware of the vicious nature of the dog.

Clause 22 repeals certain provisions of the Dogs Act. Clause 23 gives the Minister the power to make regulations to carry into effect the provisions of the Act.

1.55 p.m.

Mr. Speaker, the comments which were received by the public with respect to the first Bill indicated that the public were divided on this issue as to whether dangerous dogs and, in particular, the pit bull, should be banned in this country. Those who were in favour of banning the importation and breeding of these dogs referred to what they perceived to be the unpredictability of the animal's behaviour and its propensity to viciousness which created, as it were, a virtual time bomb. They were of the view that the pit bull should be outlawed and legislation to provide for this should be urgently brought to Parliament.

On the other hand, members of the public submitted arguments against the proposal to ban the importation of pit bulls and other dangerous dogs into this country. The advocates of this position advanced reasons to show why the focus of the legislation should not be so much on the banning of dangerous dogs, but more importantly, on providing a regulatory framework for the licensing and control of these dogs and encouraging responsible ownership.

Mr. Speaker, as I said, while consultations were held, it was decided that the owners of dangerous dogs should be targeted by having legislation to provide the regulatory framework about which I had spoken. It should be noted however, that whilst these organizations and individual members of the public held conflicting views regarding the banning of importation—and eventual elimination—of dangerous dogs, they were fully in agreement, and unconditionally supported that

some regulatory framework should, in any event, be put in place to control the ownership of dangerous dogs.

Mr. Speaker, I should say that an argument advanced against a total ban on dangerous dogs was the need for citizens to enjoy a measure of protection which these dogs provided. In the light of those conflicting views and a divided public opinion, the Government made this policy decision and I would like to say that the Government recognizes that there are views in the country to the effect that there should be a complete ban, but it is asking this Parliament to look at it in the history of this matter. It is not a measure which we cannot look at again in a year's time to see how it works, and if there is need to have a total ban, obviously the Government would return to the Parliament.

Mr. Speaker, in presenting this Bill, and in asking for it to be read a second time, this Government joins lawmakers around the world who have introduced legislation to deal with this menace. We have drawn from the guidelines provided by the Australian society for the prevention of cruelty to animals, including effective control of dangerous dogs in public places, and from Canadian legislation which includes the requirement that owners of dangerous dogs should hold liability insurance. We have also taken the principles from other countries in order to favour our law with those principles and try to adapt them to our particular situation.

We recognize the beneficial effects for many people of keeping dogs. Dogs can be specially trained to be used as watchdogs and for other security purposes. We however, believe that their personal and private interests must be balanced against the public's interest and, therefore, there should be some regulatory framework in order to meet the demands of the present time.

Mr. Speaker, this Bill seeks to provide an essential piece of social legislation to deal with the particular problem in our society at this time. It is hoped that its introduction will not only provide a regulatory framework to deal with these offenders and prevent these attacks, but provide the comfort and assurance which our society needs in relation to the protection from attacks by dangerous dogs, whilst at the same time preserving the constitutional rights of our citizens to the enjoyment and protection of property.

Mr. Speaker, I beg to move.

Question proposed

Mr. Barendra Sinanan (*San Fernando West*): Mr. Speaker, on the last occasion the Attorney General enumerated a litany of instances where people

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were attacked, some were killed and some were maimed by these pit bulls, and I am a little surprised that the Government would not have gone for a complete ban. The Attorney General did say that the community was divided and he spoke about several bodies contributing towards the debate, but I think he mentioned just two: the Trinidad and Tobago Society for the Prevention of Cruelty to Animals and some organization called Working Dogs' Association of Trinidad and Tobago. This is a very unique association: I have never heard of it before. So that when the Attorney General spoke about numerous associations and bodies contributing to form public opinion on this Bill, he just quoted two bodies.

The objective of the Bill is to afford some measure of protection to the population. The question really is: does this legislation provide adequately for the protection of the public? It deals in detail with certain aspects of how this measure would work to provide protection and the question really is: would this Bill be enforceable to all? We have seen legislation come to this Parliament every Friday and being passed and there is a grave question of enforceability. With respect, I am suggesting that this Bill is badly drafted and in terms of enforceability, it would never be enforced.

Mr. Speaker, when one looks at the definition of dangerous dogs and I go to the Schedule. A dangerous dog is described as:

- “1. Pit bull Terrier or any dog bred from the Pit bull terrier and having the dominant characteristics of that dog.”

The same thing goes for the Fila Brasileiro and the Japanese Tosa. It is not only these dogs, but any dogs bred from these dogs and having the dominant characteristics of these dogs.

Mr. Speaker, the first question I am asking myself is who will determine which dog or what type, or what strain of these dogs would have the dominant characteristics of these dogs? Is it the chief vet? Is it the Minister of Local Government? Which ministry will this be under? It is a question of who will determine which dog would have the dominant characteristic of a Pit bull, or a Japanese Tosa or a Fila Brasileiro. Who would determine that? I do not think it would be the Minister. He does not have competent staff in his ministry to determine that, so perhaps it may fall under the Ministry of Agriculture, Land and Marine Resources. I do not know.

It is obvious that these dogs are most dangerous. These dogs, I am told, are kept and bred by, sometimes, criminal elements in the country. That being so, Mr. Speaker, these dogs in the hands of the criminal element in the country can be a

great danger to society. They can be used in robberies, to frighten people, to do all sorts of things. Again, the fact that these dogs are being muzzled in a public place, I do not think that would afford protection to the public.

Mr. Speaker, one has to understand that these dogs are bred to kill, they are not pets. There are other strains of dogs like the Rottweilers, the Doberman, and Alsatian which are dogs that are more for protection, they are not killer dogs. These dogs with which we are dealing are dogs that are bred to kill.

Only recently, I think a Member from the other place had the unfortunate occurrence where a Pit bull escaped from somebody's premises and attacked and killed his pet. We have had numerous instances where these Pit bulls not only attack human beings, they also attack pets and kill them. So they would attack other dogs, cats, other animals and kill them. These dogs are killers.

Mr. Speaker, when one looks at the Bill as it is drafted, it is open to many criticisms and I would like to go straight into the Bill clause by clause to illustrate my contention. When one looks at the definition of the word "constable".

"'constable' means a member of the protective service or of a licensed security service;"

I am not aware whether security officers are licensed in this country. I am aware that we have security agencies like Securicor and that type. What does "a licensed security service" mean? Does it mean an agency like Securicor and other security or what have you? What does "a licensed security service" mean? There is no definition of that. If it means members in the employ of these security companies, I suggest to the hon. Attorney General that this should be deleted simply because members of the police service would be properly trained and would be responsible. I am not sure whether members of a licensed security service would be trained in the same manner in which a police officer is trained or be of the same discipline. I ask the Attorney General to look at that again and delete from the definition of "constable" "...a member of a licensed security service."

Mr. Speaker, when we go to clause 4(3) of the Bill it talks about the register—this deals with the licensing of the dogs—has to be kept at the local authority. It says:

"(3) The register...shall be open to the public for inspection at all reasonable times."

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2.10 p.m.

Mr. Speaker, again, we have had situations and examples in this country of a Member of Parliament going to a certain public office and not being able to source information. So, again, I am saying that “at all reasonable times” should be a little tighter and, perhaps, time can be stated. I know the Bill does provide for the Minister making regulations, but what is reasonable, is the subject of numerous cases decided in Courts of Law. I think these words “at all reasonable times” need to be tightened.

Again, clause 4(4)(d) talks about a prescribed form. This Bill does not contain any prescribed form. There is nothing in this Bill—sorry subclause (4)(a):

“a certificate in the prescribed form verifying that the premises on which the dog in respect of which the licence is to be issued have been inspected...”

There is no prescribed form in the Bill.

Mr. Speaker, when we looked at clause 4(6), it talks about a fine. For each licence there shall be paid—not a fine—a fee for the licence of \$500.00. Now, if it is that the Government wants to accommodate owners of these dogs, many owners are perhaps, poor people who cannot afford such a heavy licence fee. Let us assume that a fellow has three or four of these dogs, we are talking about an annual licence fee—if he has four dogs—of \$2000.00. It is expensive and you ask yourself, “who is the Government trying to accommodate by not banning these dogs?” I am not aware whether the majority of people who own pit bulls are people who can afford them. I got the impression that the majority of people who own pit bulls are those who could least afford them and, they use these pit bulls, certainly, for nefarious cases and instances. Some security services do have them and, presumably, they can afford them but there are others in the society who breed these pit bulls and I am not sure, whether they can afford these licences at \$500.00 for one.

Clause 4(10) talks about a metal badge in such form as may...be prescribed.” Again, there is no form prescribed. Is it that the Minister in his regulations will prescribe a form?

Clause 4(12), transfer of registration. This provides where a person is living within one local authority area and moves into another area, that person can transfer the licence, but it is silent on whether you have to pay a fee because you have already paid a fee. Let us assume that you are living in San Fernando and move to Port of Spain, the licence is transferred, do you have to pay another fee?

This Bill does not say so, but it leaves it open to interpretation whether another fee is payable.

Mr. Speaker, again, there are dogs such as pit bulls and other dangerous dogs. This Bill does not state a time by which these dogs would have to be licensed. Is it that the Minister by regulation published somewhere, would say, “okay, all of these dangerous dogs must be licensed before a given date?” I would imagine the Bill should really give a date when all these dogs must be licensed. The Bill does not provide a date when the dogs are to be licensed.

Clause 5(1) talks about “an authorised officer” and does not define “an authorised officer”. The Bill is being administered by the local bodies and, I do not know whether these local bodies would now have to engage the services of people to operate this Bill. Certainly, I cannot see anybody within the existing local authority system being able to operate this Bill. So who is “an authorised officer”? That needs to be defined.

Again, the Bill talks about “reasonable hours” and we are back to the question of what is reasonable? This is an authorized officer going to view premises at reasonable hours. What is reasonable? Is it that an authorised officer can go to a property at six or seven o’clock—what time? What is reasonable? If he leaves after his normal working hours is overtime paid to him? These matters need to be tightened up in the Bill. An inspector or an authorised officer going to inspect premises “at all reasonable hours.” I do not know what are reasonable hours. Again, that is open to a very wide interpretation.

Mr. Speaker clause 5(2) talks about “a certificate of compliance in the prescribed form.” Again, there is no prescribed form in this Bill.

Clause 5(3):

“Where the authorised officer is not so satisfied, he shall draw to the attention of the occupier of the premises the area or areas of non-compliance, requesting him to remedy the deficiencies within a fixed time.”

What about if the owner of the premises cannot, because of circumstances beyond his control, remedy the defect in his premises within that fixed time. This Bill does not provide for an extension of the time within which to allow an owner to remedy a defect. For example, you might have an officer saying that a defect must be remedied within two days in terms of offence or something, and it is impossible for the owner to remedy that defect in two days, the Bill does not provide for an extension of time. To me, it is unfair and the Bill should in fact provide for an extension of time.

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When one looks at clause 6, it talks about the fines for keeping an unlicensed dog. It talks about on summary conviction to a fine of \$50,000.00 or imprisonment for one year. Again, these fines are extremely heavy. I am not sure whether these fines are going to deter anybody from keeping their dogs properly. These fines are heavier than perhaps, fines that are being imposed for people convicted for drug offences and I wonder where is the logic in all this. Here, we are specifying fines in a Bill which, if implemented to its fullest, would certainly be more than applicable to people who are fined in the courts for drug offences.

Mr. Speaker, clause 7 talks about a person who is a minor shall not own or keep dangerous dogs. Again, I am not sure whether this provision is constitutional. A minor is a citizen of the country and it is saying here, that he or she should not keep a dog that is determined to be dangerous. Does this require a special majority? I do not know. I am throwing it out to the Attorney General so when he is winding up he can address this matter.

Clause 8(1) is a very important clause. That clause deals with the obligation of the owner to obtain insurance and here we are talking about insurance in the sum not less than \$250,000.00. In the Attorney General's contribution of last Friday, the Attorney General had indicated that the original Act had a figure of \$1 million, and it has been reduced to \$250,000.00. Nowhere in the Attorney General's contribution did he indicate that insurance companies were consulted. I did not hear the hon. Member indicate or name any insurance company that was consulted. I know he said consultations were held with the Trinidad and Tobago Society for the Prevention of Cruelty to Animals and Working Dogs Association in Trinidad and Tobago. The Attorney General did not mention anything about insurance companies being consulted. I am putting it to him that if he did consult with any insurance companies, perhaps, the Attorney General could share that information with us as to which insurance companies were consulted with respect to this Bill because this is a very important clause in the Bill, the clause dealing with insurance.

2.20 p.m.

Again I say that few companies, if any, will want to insure these dangerous dogs. Those companies that are minded to insure these dangerous dogs will do so only for people who they consider to be good risks, in other words, people who can afford to keep these dogs, have proper yards with proper chain-link fences and proper dog kennels. I cannot see insurance companies insuring these dogs for owners who they consider unable to provide proper security for these dogs.

Then again, what about the premiums? What would be the premium for the purpose of insuring these dogs? The Attorney General mentioned nothing about that. I would imagine there would not be a level premium for everybody. Certainly, as is wont to happen in the country, those who the insurance companies think can afford it, those whose properties are properly fenced, those are the ones who would most likely get insurance. Those are the ones who would probably pay a smaller premium. The small man, however, the fellow who is minding these dogs for whatever purpose he is minding them, I am not convinced that person will get insurance and, if he does get it, whether he can afford the premium. So again, Mr. Speaker, from a practical point of view I am not sure whether this Bill can work.

We all know, and the Attorney General most of all on that side would know, that people insure motor cars just for the purpose of complying with the law, the minimum third-party risk. When one gets involved in an accident it takes 8 to 10 years in court to have one's case settled. When that case is settled and one ultimately wins, it takes you another 8 years or so to get paid. So what will happen to this poor person who goes to court, loses a case and the insurance company refuses to pay or takes years to pay? I say to the hon. Attorney General that is an unworkable situation. I say that you have not consulted any or certainly you did not say that you had consulted—*[Interruption]*

Mr. Maharaj: If I did not say I am very sorry, but we did consult. The Law Commission did consult the Association of Insurance, ATTIC, which consulted all the insurance companies. They did a survey and the insurance companies would be prepared to take insurance up to that amount that we have put in the Bill. It is on that basis that we made that change.

Mr. B. Sinanan: I thank the Attorney General for his clarification. As I said, I did not hear you indicate that earlier on in your contribution. As I also said, one thing in this Bill that is, to me, heartening, is your promise to review it in a year's time because I am certain that in a year's time you will be coming back to this House with a proposal to ban these dangerous dogs for perhaps two reasons, one—*[Interruption]* Yes, we would support a ban on dangerous dogs. This Act—*[Interruption]*

Mr. Maharaj: So, are you aware that the Chairman of the People's National Movement, on October 22, 1998 said that the PNM was not in favour of such a ban?

Mr. B. Sinanan: I am not aware of that and that is, I would imagine, the Chairman speaking in her personal capacity, not as a member of the party. *[Interruption]*

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

Mr. B. Sinanan: Yes, Mr. Speaker, so coming back to this point about insurance, this aspect of the Bill is one that will be very important to the implementation of the Bill. I am not sure, notwithstanding whatever the Association of Insurance Companies would have indicated to the Law Commission, whether insurance companies would be prepared to underwrite insurance for the purposes of this Bill.

Mr. Speaker, when we look at clause 9(4) of the Bill, it talks about:

“Where the owner of a dangerous dog is convicted under subsection (3), the court shall in addition make an order that the owner take out a policy of insurance required under this Act in respect of the dangerous dog within one month...”

So that the owner does not have insurance, he goes to court and he is fined. The court orders that within a month he must take out insurance for the dog. The owner then has 30 days within which to take out this insurance policy. What happens if, before he takes out that insurance policy within the 30-day period, the dog again attacks somebody and kills that person whom the dog attacks? There is no insurance. Let me repeat it.

You have a situation here in which the owner is fined by the court and the court gives a ruling that the insurance must be taken out and gives a period up to 30 days. It could very well happen that within that period, before the insurance is taken out, the dog could attack somebody else and kill that person. There is no insurance. The owner of the dog is a man of straw. He does not have the means to pay. It defeats the whole purpose of the Bill. So again, Mr. Attorney General, I ask you to look at clause 9(4).

Clause 9(5) speaks about a licensed veterinary surgeon having to destroy the dog. Again, Mr. Speaker, you know, when we look at what is happening with the local government bodies throughout the country, they seem pressed for money. They hardly have money to do what they are mandated to do by law and here it is that we are putting a burden on local authorities to pay vets. Now I do not know but I am told that the vets were consulted once during this process when the hon. Member for Caroni East was acting for the Attorney General. What would a vet

charge for destroying one of these dogs? The vet is not going to wait for the owner to pay. So that the local authority will have to pay the vet.

It talks about the local authority recovering the money from the owner. Mr. Speaker, local authorities are strapped for money. Is it that the Government is going to provide extra money [*Desk thumping*] or extra budgetary allocations to local authorities to pay vets? When the vet destroys a dog and charges a fee of \$500.00 or \$1,000.00 or whatever and he gets paid, the local authority is not going to go to court to get this owner to pay for it because it will cost money for the local authority to go to court. When you go to court and get a favourable judgment and you cannot enforce that judgment against a man of straw, what is the purpose? So to say that you are going to recover the money from the owner really is stretching it a bit far. There is no way that money is going to be recovered from most of the owners who are guilty. Certainly those owners who can afford it will pay. I am suggesting that the majority of owners of these dangerous dogs will not be in a position to pay.

We have a situation in this country, Mr. Speaker, where buildings are being put up all over the place illegally and local authorities are not in a position to do anything about them, simply because they have no money to hire attorneys to go to court to prosecute those cases. So that you have buildings going up illegally, without planning permission or in breach of planning permission, and local authorities are unable to do anything about it, simply because they do not have the money to go to court to prosecute those cases. Here we are talking about paying vets to destroy dogs. Why are you paying a vet? We have the Trinidad and Tobago Society for the Prevention of Cruelty to Animals. Why not make an arrangement with the Society? I am sure that perhaps they will charge something cheaper. They will charge less than what a licensed vet will charge.

Mr. Speaker, clause 10(4) of the Bill talks about:

“A plaintiff who desires to institute proceedings under this section may require the insured to provide within fourteen days the name and address of the insurer, the date of the policy, and such other particulars as may be required to enable him to institute such proceedings.”

Mr. Speaker, how is this request for particulars to be made? Would time run from the date of the request or from the date of the receipt of the request? If it is from the date of the receipt, then the request should be in writing and should be sent by registered payment. So it is a question again of time. How does time run in these matters?

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Clause 11(5) again, Mr. Speaker, talks about “reasonable apprehension”. Who in the public is to determine “reasonable apprehension”? Who is to determine like in clause 11(2)? Clause 11(2) talks about a dog “dangerously out of control”. Who is going to determine that? Is it the officer, the constable? Who is going to determine whether a dog is “dangerously out of control”? As I said, in clause 11(5), it talks about reasonable apprehension. Who will determine “reasonable apprehension”?

Clause 12(1) talks about visiting of premises and fences of suitable height. Now, I happen to know one or two people who own these dogs, Mr. Speaker, and when I tell you that those dogs, apart from being killers, are climbers. Those pit bulls can climb a wall exceeding 12 feet. I have seen it. So here we are talking about fences of a suitable height. This is clause 12(1):

“A person who owns or who for the time being is in charge of a dangerous dog shall ensure that the premises on which that dog is kept are secured by fence or wall of a suitable height and that such fence or wall is so constructed and maintained as to prevent the escape of the dog.”

What is a reasonable height? Is there any scientific evidence to suggest that, okay, the pit bull can climb up to 10 feet and no more in one sprint? There is none. I am telling you these dogs are climbers. So the question of reasonable height could vary from council to council. You may have somebody who may determine that in San Fernando it is 10 feet and in Port of Spain it is 15 feet. I do not know. Is it that the determination of reasonable height will be common throughout all local authorities in the country? What is reasonable? As I said, these dogs are climbers.

We have had an instance where, in terms of talking about fences here, the dogs can dig. They will dig and go under the fence and escape. Whether it is a wooden fence or a chain-link fence, these dogs—as the Attorney General who spoke about the pounds per square inch pressure they exert—if they really want to get at you, would be able to break down a wooden fence, dig under and get out or even damage a chain-link fence in order to escape. So I do not know what is this clause about reasonable height and inspecting premises.

Again, Mr. Speaker, when this officer of the local authority is going to inspect the premises, is he going to adopt a common standard throughout? It does not happen, because he may go to his friend and allow a different standard there, then he will go to another fellow and may impose a different standard. So this is a very loose arrangement and I am suggesting to the Attorney General again, it is a

clause of the Bill that is open to abuse. Again this Bill, notwithstanding what may be said on that side, is unenforceable. It cannot be enforced in order to keep away these dangerous dogs.

2.35 p.m.

Mr. Speaker, I spoke earlier about clause 13 which says:

“Where a dangerous dog escapes any premises, the owner of that dog shall be liable for any injury or damage caused by that dog.”

Any premises. Now, let us assume that the dog is at the vet. That is a premise; that falls under “any premises”. Assume the dog escapes from the vet, or from the local authority; the owner does not have control of the dog. The dog is at premises other than the owner’s premises. The dog is at the vet; the dog escapes and kills somebody. Who is responsible for that? The owner, the vet or the local council where the dog may be? Again, I ask the Attorney General to look at clause 13.

Clause 15(2). You see the difficulty here. It is discriminating now in terms of exempting an officer of the police service in terms of a constable. It talks about:

“This section shall not apply where a constable is in charge of a dangerous dog during the course of duty.”

Why exempt the police officer? If the police officer is in charge of a dangerous dog while he is on duty and that dog escapes and attacks somebody, why is it that you are seeking to say that he, or the state, is not liable? This is what the clause says. It shall not apply to a constable:

“...in charge of a dangerous dog during the course of duty.”

A dangerous dog as defined in the Bill. Why exempt a police officer if he is in charge of a dangerous dog and that dog escapes and kills somebody? Why exempt the state from liability? This is what this is doing; it is exempting the state from liability here.

Clause 15(4) states:

“References to a dog being on a lead are to its being securely held on a lead by a person who is not less than eighteen years old and who is capable of controlling the dog.”

Again, who will determine who is capable of controlling a dog? Is it the officer? The public? What is going to determine whether someone is capable of controlling a dog? There are some 16, 17 and 18-year olds who are very strongly

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built and are more capable of controlling a dog than elderly people. So, what is the point? Why are you taking away the control of a dog from someone who is, perhaps, 15, 16 or 17 years old? You are saying that a person can only control a dog if that person is over 18 years of age.

Clause 19(1), but before we get to that, clause 16(1) talks about:

“A person who incites a dog to attack another person commits an offence...”

Clause 16(2) says:

“This section shall not apply where that other person is on premises with the intention of committing a criminal offence...”

Mr. Speaker, who will determine whether somebody is on somebody else’s premises to commit an offence? It just cannot work. A person enters the yard. Who is going to say that this fellow came there with the intention of committing a criminal offence.

We had a case somewhere down in south where a fellow was killed. It is alleged that the chap went onto the premises to shelter rain. He did not go to commit any criminal offence, but he was mauled to death. So, how are you going to determine the intention to commit a criminal offence? Who is going to determine that? Again, Mr. Attorney General, I ask you to look at that.

Clause 19(1) says:

“A constable or an officer of a local authority duly authorized to exercise the powers conferred by this subsection may seize—

- (c) any dog which appears to him to be a dangerous dog and which is in a public place without being muzzled and kept on a lead;
- (b) any dangerous dog which is in a public place and which appears to him to be dangerously out of control.”

Mr. Speaker, the constable having seized the dog, what is he to do with the dog? The constable determines that the dog is dangerously out of control and seizes the dog. Where is he going to take the dog? Is he going to take the dog to a local authority? Is he going to take the dog to a vet? When is he going to seize the dog? Suppose he seizes the dog 8.00 o’clock in the night, or 5.00 o’clock in the afternoon, or whatever, other than the normal working hours of the council or a veterinary surgeon, where is he going to take the dog? Is he going to take the dog home to somebody else’s premises? What if the dog escapes? Because, this clause

provides that the constable shall not be liable if the dog escapes from any other premises. Again, Mr. Attorney General, I am asking you to look carefully at that.

Clause 20 says:

“Any reference to this Act to a person who for the time being is in charge of a dangerous dog shall not include a veterinary surgeon who keeps a dangerous dog in a professional capacity for the purposes of emergency care or treatment.”

This emphasizes the point I made earlier. The dog is at the vet; the dog escapes from the vet and kills somebody. Here we are saying that the vet is not liable. So, who is liable? The owner? The owner does not have control of the dog. Presumably, the vet has control of the dog, but the dog escapes from the vet's surgery, kills somebody and here we are saying that the vet is not liable. So we are putting, presumably, an onus of proof to the owner so that he can make sure that the vet has secure premises. We are charging the owner here for something over which he has no control.

This Bill is badly drafted and I am saying that, with the greatest of respect to the Attorney General and to whoever else drafted this Bill. It was done, perhaps, in order to please a section of the population. We have had instances where these dogs were attacking people and killing them and, in order to appease the public, this Bill was produced, and I am suggesting that the Attorney General looks carefully at it, because it is not a Bill that can be enforced easily. It is badly drafted and in the committee stage, we will go through it and see, in detail, how it can be tightened up.

When one looks at the totality of the situation, what is required and what is necessary, is to have these dangerous dogs banned. There is no way, based on the Attorney General's evidence alone, when he enumerated all those instances where these dogs have escaped and attacked and killed people and killed pets, that we should seek to have these dogs muzzled. Because, who is going to determine it? You have a dog on a long lead or a short lead; the lead may not be in proper form; the chain may be loose; the muzzle may be rotted. Who is really going to determine it?

What the Government should do is the right thing and ban the dog. It has been banned in England. The Attorney General likes to follow England. Whatever happens in England is a yardstick for him, so why not follow her in this instance and ban the dogs. The dogs are dangerous. They are bred to kill. The dogs, as I have said before, in the hands of a criminal, could be as lethal as a gun.

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We have had coming up today from San Fernando, two instances in the news of a lady who was attacked somewhere in Wainwright Street in St. Clair three weeks ago. Today, the lady is dead. Now, perhaps, if she had a pit bull, I do not know, but the lady is dead.

Mr. Hinds: Two fellows in the Minister's office.

Mr. B. Sinanan: Two fellows nearly died in Minister Dhanraj Singh's office. I do not know. That is another news item I heard, some two fellows were attacked. Perhaps pit bulls are just as dangerous as guns. I do not know.

I am appealing to the Attorney General to look carefully at this Bill. With respect, I am suggesting that this Bill was drafted too hastily; there are many loopholes in the Bill; the Bill really and truly is unenforceable; the Bill, certainly as I have observed, was not convincingly put forward by the Attorney General. I can always tell when the Attorney General is not convinced of a piece of legislation. This is one of them.

I say to the Attorney General, with respect, that he is not convinced that: firstly, it can work and secondly, whether it is properly drafted. He has brought it here, perhaps under pressure. This is not his style and I am asking him to look at it again. Do as he has done before in the House when he knows it is wrong and look at it. It is a Bill that is unenforceable; it cannot work and we on this side are saying that these dangerous dogs should be banned.

The existing dogs we have here, have them registered; have them neutered; and ban the importation of these dogs and any strain of these dogs to prevent the breeding of these dogs. If the Government were to come with such a piece of legislation that requires our assistance in passing it, we on this side would give the assistance that is required in terms of the necessary majority. He himself knows that is what he ought to have done.

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

[*Hon. Mervyn Assam stands to catcalls from the Opposition Benches*]

Mr. Speaker: Order! Order please! Order! The Member for St. Joseph.

The Minister of Trade & Industry and Consumer Affairs (Hon. Mervyn Assam): Mr. Speaker, thank you for giving me an opportunity to make a contribution on a Bill to provide for regulating the keeping of dangerous dogs which present a serious danger to the public; to make further provision for ensuring that such dogs are kept under proper control; and for connected purposes. [*Crosstalk*]

Mr. Speaker, I never thought that my rising in this honourable Chamber would have been accompanied with such acclaim from the other side. Perhaps, Mr. Speaker, it is because in your absence last week, Members opposite said that I had been muzzled like a dangerous dog. *[Laughter]* *[Crosstalk]* But, Mr. Speaker, I assure them that I am not dangerous and I possess no canine qualities.

Mr. Speaker: Order please! Order!

Hon. M. Assam: But, to take a cue from the Member for San Fernando West when he said that he was not convinced about the presentation of the Attorney General, I, too, was not convinced or impressed with his, and I will tell you why. Throughout his entire contribution, one did not know where he stood until the very end when he said we should ban the pit bulls. I would not like to hear him presenting a case for me in the courts, he was so contradictory in his contribution.

In fact, one got the distinct impression that he had great sympathy for the people who kept these dogs when he went on to speak about how much licence fees they had to pay; how much insurance they had to pay; how punitive were the fines; if they were in breach of either not having a licence, or not taking out the insurance, or not registering them; having to build walls that are 12 feet high with all the concrete base and all the steel, so that when they dug like tattoos—he did not say that, but it would appear that pit bulls are like tattoos—they will dig out the fence, the steel and the wall and jump 15 feet high as if they are ready for the Olympics in terms of high jump and all these kinds of ridiculous things, a lawyer was telling us in this distinguished House.

2.50 p.m.

I could not believe myself when I heard of all these protestations, and it reminded me of Shakespeare: “Me thinks the man doth protest too much”! In favour of the very people he wants to penalize by banning their dogs. What a contradiction! Does one know what is the greatest contradiction? The Member for San Fernando West told me that I spoke last night, and he said that I said it was my last speech. I do not know where he got this erroneous information but, of course, that is typical of him and his organization. *[Laughter]*

What is even more contradictory, Mr. Speaker, is that in the *Trinidad Guardian* of Tuesday, October 20, 1998 on page 3, Linda Baboolal, the Chairman of the PNM—she is not an ordinary person—said that they will always prevail. *Magnum est PNM et prevalebit!* Great is the PNM and it will prevail! One has got to take notice of a party that has a chairperson who makes a statement, and it must

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have some degree of credibility and veracity! It must derive itself from the authority of the leadership. [*Desk thumping*] This is my contention.

When she said that the PNM may not back the pit bull ban, I take this as one of the credos through the mouth of the Chairman. So, when we come today and very piously tell this chamber and, by extension, the national community that we should ban pit bulls, there seems to be some kind of problem within the PNM in terms of their policies and philosophies.

Mr. Speaker, when one is speaking on a bill, a piece of legislation—I would like the Member for San Fernando West to listen because he often falls into the trap. What he has done this afternoon is to come and do a bit of nit-picking; take out a clause here and a sentence there and nit-pick and produce a set of picayune arguments with respect to the legislation. What he should do instead is examine the policy framework of the legislation and see whether he agrees or disagrees with the basic policy framework of the legislation, not the little nit-picking of a word or a clause, because everything he has said will be contained in regulations.

Not even the Holy Bible, the Holy Qur'an, the Bhagwad Gita or the constitution of any country can provide all the moral guidance, all the legislative and constitutional safeguards for any situation in any human being in any country in any part of the world. It is impossible! Then there will be a document that is never ending. So, there must be a Bill that is constrained by a certain kind of philosophical underpinning and a certain policy framework and, thereafter, one can append the regulations which will guide the implementation of the policy of the Bill. That is how legislation is done.

I was thinking, when I heard the Member for San Fernando West speak, that he did not have a clue about legislation. He probably had a clue more of the land registry of which he so famously and so often speaks. [*Laughter*] To me, that is the basic flaw in his contribution. The second basic flaw was, of course, his defence of these people, although at the end he said that we should ban the animals.

What the Member for San Fernando West also forgot is that there was a time in this country when one had to take out a licence for a bicycle, a dog and so forth. It is nothing new to local government. The system, the procedures, the policies, the forms are all there hidden in some vault. It is easy to just go into the vault and pull out these forms.

He spoke about a metal badge. Every dog had a metal badge on its collar when I was a little boy, or even as an adolescent. It is nothing new or so difficult

to reintroduce. When we look at the legislation which says there is no provision for the form and no provision for the metal disk on the collar, that is something which every local government body has done in the past. It is a question of going back, pulling them out and reintroducing them in order to take account of the provisions of the Bill.

The Member speaks about poor people. Could one imagine that! The Member for San Fernando West speaks about poor people owning pit bulls, bull terriers, Rottweilers, German shepherds and all these fancy dogs. Mr. Speaker, do you know what is the cost of a four-week old pup in any of these categories? The minimum cost of a four-week old pup in any of these hybrid categories is \$1,600—\$2,000.

Dr. Rowley: Nonsense!

Hon. M. Assam: That is a fact! Do you know the cost to feed them, to maintain them, to take them to the veterinarian to get their shots and for their annual check up so they will have their parvo shot, and to worm them every three months? What about the houses one has to build in order to ensure that these dogs are properly maintained? Could a poor man even buy a pup that is four weeks old for between \$1,600—\$2,000, far less the maintenance expense of food, and the kennels one has to build, because one has to build the kennels with a certain kind of ventilation and a certain angle to the wind?

I know all of these things because I have been raising dogs since I was a little boy and I still have dogs! I love dogs! I am fully *au courant* with all of these things. I am speaking authoritatively on these matters in terms of food, veterinary service, how to build the kennel, how to treat dogs, vaccinations, worming, all sorts of different things. Could a poor man afford these things? *[Interruption]* He was speaking in defence of the poor man owning a pit bull, a German shepherd or Rottweiler. Oh Hypocrisy! How far can your tongue go in order to defend the indefensible?

Mr. Speaker, why do people keep dogs? People keep dogs basically for a number of reasons. Security firms keep dogs because they earn an economic living from it. Therefore, it is my view that if one is earning an economic living from keeping dogs for security services, one should pay what it takes to ensure that these dogs are properly housed, properly secured on proper leashes with proper muzzles, one's licence fee and insurance paid, because one is gaining a livelihood and earning an economic rent from keeping security dogs. I have no problem with that. I do not know how the Member for San Fernando West could defend that.

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What is the second category? It is the state. The state has a canine division and the customs division also has a canine division—sniffer dogs for drug purposes. The state has a canine division for other purposes and the state has a responsibility, like any other institution, to ensure that these dogs are kept in a similar manner on safe leashes, muzzles and so forth, except when one has to take off these muzzles when they are in hot pursuit of a criminal or, when they feel that some sort of apprehending situation is about to take place. They take off the muzzle in order to be in a state of readiness. What is wrong with the state paying this insurance and all these other things, as anybody else? I am not feeling sorry for the state if it has to do that.

In the third category, there are some people who keep dogs as pets. If one can keep a dog, a horse or whatever animal as a pet, one has to pay the price for keeping pets. Therefore, in the same way, security, safety, lead, muzzle, whatever one wants to call it, insurance, license fee, that is fine.

The last category is that people keep dogs in their homes for security purposes. The state does not allow one to have mace on one's person because mace is illegal. Any substance or the equivalent of mace is illegal in this country. The lawyers know that. One is not allowed to have firearms because the state does not operate like the United States. No one can just go and buy a gun. To get a firearm, one must go and apply for a licence from the Commissioner of Police. One is investigated and it depends on who one is, for what purpose it is needed, what one's profession is—one may be given a licence for a firearm.

The vast majority of people in Trinidad and Tobago cannot have a firearm, so they resort to keeping dogs in their homes. Some people keep common dogs or “pot hounds”, as we call them, and they are pretty fierce dogs. Some pot hounds are equally as dangerous as dangerous dogs. I have seen common dogs maul people just as badly as dangerous dogs.

Dr. Rowley: Not true.

Hon. M. Assam: I have seen it, but it is no gainsay that there are certain dogs which are extremely dangerous—in fact lethal—and in most cases, they can attack people and the attack could be fatal, as has been evidenced and catalogued by the Attorney General and the newspapers over time, where so many people have been attacked and unfortunately and tragically, they died as a result of the attack.

One cannot gainsay the fact that many people keep dogs for security purposes. That is a fact. If one cannot have a firearm; if one cannot have a watchman in

one's house; if one cannot have mace or anything that would protect one effectively against intruders, thieves, rapists, murderers, insane people, one must have some form of protection, and it is a dog, whether it is a pit bull, a bull terrier, a Rottweiler, and so forth, that people keep.

Most people keep their dogs in rather safe circumstances. In some cases, there is some carelessness. In some cases one is right. The dogs are so powerful, they may tear down the fence or jump over the fence. These have ended up in very tragic cases, and we must be careful to protect the citizens of this country.

What does one do as a Government in formulating public policy that one wants to translate into legislative effect by coming to the Parliament? One does one of two things: either ban outright the dog or put in safeguards that will give comfort to the public at large that these dogs are going to be operating, living, handled or utilized in circumscribed circumstances. That is what they are doing.

The Government brought a Bill and had wide consultation with dog owners, members of the public, the Trinidad and Tobago Society for the Prevention of Cruelty to Animals (TSPCA), the Association of Trinidad and Tobago Insurance Companies (ATTIC) and so forth, and it came to the conclusion that we will bring back a modified form of legislation that will not ban these dogs. We will have them on a schedule indicating that these dogs are dangerous dogs. But, we will make law, and regulations to support that law, to ensure that these dogs do not get out of control. Therefore, that is why we have introduced the licensing system. What is \$500 a year really? Just a little more than \$1 a day. It costs them much more to feed that dog; infinitely more. What is \$500 for a licence?

We speak about insurance companies not wanting to insure dogs. I am amazed that the Member for San Fernando West would suggest that. Why does he think insurance companies are in business? They are in business to insure risks, and they are going to do what they call "risk management" in insuring anything, whether it is a dog, a house, a car, a vessel, a barge, anything. They do management risk.

3.05 p.m.

Therefore, they will come to your premises and they will see whether—it is like insuring your house. When they come to your house to insure it against fire, theft, burglary and so forth, they look at all the structures, the burglar proofing everything and then they say: "All right, because you have all of these things in place, your risk is less and therefore your insurance per thousand will be less. That is why some people will pay little more than others and some people a little

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less than others. It is like one's driving record; if one has a clean driving record one gets what is called no claim bonuses. Some people get up to 80 per cent bonus, having driven accident free for 10—20 years. Those who are careless pay the penalty and the full premium and they would get 15—30 per cent off. That is the nature of insurance: risk management.

If they come to you and see that they can insure you as a risk, not a certainty—insurance companies do not insure certainties, they insure risks and they determine that risk by a proper evaluation and they do risk management. To say that an insurance company would not insure you, does not make sense, they are in business to make money. Wherever they can make money they are going to insure you to make money. These people who can buy a dog for between \$1,600 and \$2,000 and can maintain such a dog, can afford to pay insurance of \$250,000 per year. I do not know what the premium of that is going to be but I am sure it is not as exorbitant as the Member for San Fernando West is making it out to be.

With respect to the fines and imprisonment; the Member said that these fines are heavier than somebody who was being convicted for drugs. Admittedly, in the final analysis, drugs will kill people because they destroy both your mind and your body over a long period of time. But, a dog as you rightly say, Mr. Speaker, can kill you instantly. Whereas drugs—of course we have no sympathy with people who peddle drugs, particularly destroying young minds and bodies, we have no sympathy for that. The point is, a dog that is dangerous and is let loose, through negligence or because of the power of this dog, or it was not housed in proper circumstances and so forth in accordance with the regulations, can kill you instantly. If it does not kill you instantly, it can inflict enormous injury and pain incapacitating you, if not for life, perhaps for several months, where you may not have the use of a limb, you can have your eye dug out, or a part of your body could be injured and you lose earnings, you have pain, grief and your family is totally and completely disadvantaged. We understand all this.

In order to ensure that going to the extreme of not banning these dangerous dogs—which is the extreme position that a government can take—we want to ensure that we take an almost extreme position, on the other side, to ensure that any owner of a dangerous dog must comply, to the hilt, to the limit, with the most stringent conditions if he or she wants to keep his or her dog. These conditions—although I am saying stringent, I do not think that they are really stringent—if the Member for San Fernando West and Members opposite believe that they are indeed stringent then so be it because we must protect the lives and property of people. A government has such a responsibility: to protect the lives and property

of the citizens of a country. Therefore, in imposing in this piece of legislation, fines, licence fees and other kinds of punitive measures are merely ensuring that the legislation has teeth.

One of the things that we have been accused of as a Government—and the Opposition when they were in government—is that the law is never enforced. We come here every Friday and we pass all kinds of legislation; they then go on to the books and there is no enforcement, there is no implementation of legislation. Therefore, this Government is serious about implementation and enforcement, particularly when life and limb are in jeopardy and are at stake; as a consequence of which these penalties and punitive measures seem to be harsh to the Member for San Fernando West. They are not harsh, they are merely to protect the citizens of this country and the people who own these dogs can pay whatever the measures are in this particular proposed piece of legislation.

Mr. Speaker, we must be very careful when we come to this House and we take a position, hoping that the position, through political expediency, will make us popular and gain us some votes with either our friends, party supporters or perhaps with the population at large. We must be careful that we do not damage our own personal reputation and the reputation of our respective organizations. One cannot have one member of his party—an important member of his party—saying: “Do not ban” and comes to the House and says: “You should ban.” Where does he stand? What is his position? What is his philosophy? What is his policy? If he was in the Government, what would he have done? Would his chairman say one thing and he gets up and contradicts and says another? Is he prepared to take the whip and say: “I disagree with my party and my government and I am voting against your measure? What would you have done, Member for San Fernando West? This is not a rhetorical question; this is a very important question that the Member must answer. Of course the Member has spoken already, he cannot get up and answer, but it is an important question. He must answer that.

The Member cannot come to this House and say one thing when his party is advocating another; and advocating it publicly. *[Interruption]*

Mr. Breaux: What about your Prime Minister who had to apologize?

Hon. M. Assam: I am very grateful that he has been so gracious to do so. *[Desk thumping]* I always thought that the Member followed Christian principles. There is nothing wrong with humility. One who can apologize is one who has Christian principles and humility strongly embedded. *[Interruption]* I am not going to worry about the Member and his unnecessary interventions.

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Mr. Speaker, this Bill, in my opinion, is a very good compromise. It is a compromise because it is a compromise of two situations: to ban or not to ban. We have elected not to ban but to put safeguard mechanisms. I am sure the Member for Laventille East/Morvant, who went on a World Trade Organization trade course, would understand what safeguard mechanisms are. Although, I understand when the Member was on the course he did not attend [*Laughter*] but that is okay.

The Member for San Fernando West was worried about the exemption of police constables. This is normal. I am surprised, again, that the Member could raise this issue about the exemption of a police constable. Clause 19(1) states:

“A constable or an officer of a local authority duly authorized to exercise the powers conferred by this subsection may seize—

(a) any dog which appears to him to be a dangerous dog...”

That is the role of a police officer. More than that, clause 15(2) states:

“This section shall not apply where a constable is in charge of a dangerous dog...”

Obviously, there must be exemptions to police officers. Police officers operate under certain exemptions in many cases. If there were no exemptions in certain situations, then no man or woman would become a police officer. If they are controlling a dangerous dog and something happens, they must have some exemption. That is normal in the law. In any law in this land, it is normal.

3.15 p.m.

Now, he asked if a dog is in a vet's surgery and the dog gets away and does damage to somebody. I thought the answer was clear: the dog is properly insured and therefore, the damage that is done to anybody arising out of a dog getting away from a vet's surgery would be dealt with under the owner's insurance. I thought that might have been very logical and clear. Then he asked, very facetiously, when a police officer seizes a dangerous dog where is he going to take it? I am surprised that my good friend who is normally so serious and so studied in what he says could be so facetious in asking: where would he take it? His house?

What he fails to realize, and I would give him a little lesson in what local government does. All local government bodies engage in what they call impounding dogs. Apparently he does not know that. At this point in time, stray dogs are impounded by local government authorities; they have that ability to impound. They also have the ability to hold dogs when they impound them.

They can do one of a number of things. They can call the Trinidad and Tobago Society for the Prevention of Cruelty to Animals (TSPCA) and say, “We have dogs here. Would you like to come and take them?” There may be people who would like to have them in their homes as pets. That is one thing they can do. Or, they can call in the vet, as they do now, and the vet will inject them with a shot of pentothal and within seconds they die. That costs \$30 —\$35. It is not an enormous sum they pay vets. A shot of pentothal, I think it is called, costs \$30—\$35. That is all it is! Therefore, if they say they will have to employ vets for an exorbitant amount of money, and they do not have money now; it is simply misleading and not factual. Right now they do it. They have an impounding responsibility to take up stray dogs wherever they are, take them to the compound of any local government authority, keep them there, and have them assessed by the TSPCA in the first instance, whether they want to keep them at their premises in St. James, or put them into various homes for people who love pets, or destroy them through a shot of pentothal by a vet. That is done now. So it is no extra imposition, it is no extra duty or responsibility of a local government authority at this point in time. It is normal. That is what goes on now.

Mr. Sinanan: I was alluding to the point where you have a dog captured by an officer six or seven o'clock in the evening, the pound is closed at that point in time, the TSPCA is also closed: where would that dog go? Are you suggesting that he would get a vet at that time to come and inject the dog?

Hon. M. Assam: I am not suggesting that at all. I repeat. There is provision in every local government authority to hold dogs. All the policeman has to do is go to the nearest local government authority where policemen and security guards are on duty 24 hours a day, and they are allowed into the premises to keep the dog overnight until the next day when an assessment is made. That is done right now. They do not have to go to any vet, they can go straight to the Port of Spain City Council, San Juan/Laventille, Tunapuna/Piarco, or wherever it is. There is security and a police armed guard 24 hours a day because there is always a guard booth, and they say, “we have a dangerous dog, we want that dog put into the pound”. It is kept there until the next day when an assessment is made and a decision is taken what to do with the dog thereafter. It is not rocket science, Member for San Fernando West.

It is a very simple procedure and I am sure the Minister of Local Government would put all these procedures in the regulations and append them to the substantive Bill once it becomes law. This is something that is going on all the time, and it has been going on for many, many years, the impounding of dogs, the

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impounding of cattle, the impounding of lots of things has taken place. When, for example, at a recreation ground, cows and horses are going into the grounds and destroying them—and the Member for Toco/Manzanilla knows that, he was chairman of a council—they impound them and take them to the local government authority until the owner comes and pays for them. If he does not pay for them they auction them off. You know that. The same thing with dogs, they do not auction off the dogs, they send them to the TSPCA or get them into private homes, or destroy them. That is procedure.

So, I do not know why this is such a problematic matter for the Member for San Fernando West. It is a very simple routine procedure that has been going on all the time. All one has to do is put them into regulations and append them to the Bill and the Bill becomes operational. So there is no problem here, Mr. Speaker, with respect to a dog that is impounded or a dangerous dog that is seized, in fact, by a policeman and his ability to have it impounded soon after. There is no problem.

So that, all of the matters that the distinguished Member for San Fernando West has raised, which I believe will form part of the regulations of this Bill, I believe that I have answered him, and I hope, satisfactorily.

The important thing is the policy of the piece of legislation. Do you want to ban these dogs or not? This Government has opted not to ban, but to put in a set of strict regulations, strict procedures that will enable the public to feel a level of comfort because of what is necessary now. You have a dog, you must register the dog, you must licence the dog, you must get a metal detector put on the collar of the dog, you must pay insurance for the dog, and if you do not follow these procedures, there are heavy penalties, including imprisonment, for not following these procedures.

Mr. Speaker, I hope that what I have said enables the Member for San Fernando West to ponder a little more on some of the matters he has raised and he will give full support to this measure when it comes up either in committee or in the final reading.

I thank you, Mr. Speaker.

Mr. Colm Imbert (*Diego Martin East*): Mr. Speaker, I am glad to see that the Member for St. Joseph has regained his sense of speech. Obviously, the muzzle that was placed on him has been removed. The only problem I have in listening to the Member for St. Joseph, is that I am not too happy about the way he has been reduced in status akin to a lap dog, a puppy dog, a little pet. But, I guess after he

got tapped up by the Prime Minister he has reconsidered his options. But the point is that he was obviously not slated to speak today. He has been talking out of his hat for the last half an hour. He has not read the Bill. He does not understand the issues, and he has been making statements that are not grounded in fact.

For example, his absurd contention that the cheapest pit bull pup which one can find in Trinidad and Tobago is \$1,600. From where did he get that absurd information? I refer you to today's *Daily Express*, Friday, November 12, 1999, in the classified ads section under "Animals". You see, he does not even read.

"PITBULL PUPS \$500". [*Desk thumping*]

Mr. Hinds: Well, I'll be doggoned.

Mr. Bereaux: You are suffering from newness.

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. C. Imbert: Mr. Deputy Speaker, there are many pit bulls and cross breeds of pit bulls that will be given away freely for \$200, \$100, and \$150. It is an absurdity. You see, Mr. Deputy Speaker, he comes into this House and he has no information. He was not supposed to talk. They just took off the muzzle about half an hour ago and said, "Go. Talk".

You see, what he and the Attorney General are not dealing with is the fact that the pit bull, by its very nature, is a dangerous beast. It is a killing machine. He talks about impounding a dog. I want to see the Member for St. Joseph try to impound a dangerous pit bull. He will run like 10 tarzans. Which police constable in a local government compound at one o'clock in the morning, being presented with a dangerous pit bull or two, will say, "'Gimme' man, I go handle that". They too will run!

When the famous case of one of the financiers of the UNC, Mr. Ferguson, whose dog allegedly escaped mysteriously through a hole in the fence—although according to the Member for St. Joseph this cannot happen, he said that these dogs are not like tattoos, they would not burrow through—and killed a man in the road, the police had to fire seven bullets, seven shots into that dog to get it off the man. They recovered seven bullets from the body of that dog and the dog's jaws were still locked on the man, thus killing him. At one o'clock in the morning, your basic police constable will accept one of these killing machines? Nonsense, Mr. Deputy Speaker. Absolute nonsense!

The other issue on which the Member for St. Joseph is not focussing, there have been so many reports—and the Attorney General is aware of this, you

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know—of these dogs killing people who they knew. Killing their owners. Killing children that they had grown up with as pets. After a couple years of one of these Pit Bull Terriers being in a house, suddenly it is turning on a child, killing a child. We are not talking about intruders. We are not talking about criminals.

Look at the case in Petit Valley, in my own constituency, Majuba Cross Road. An old lady came home, sheltering from the rain or something, trying to get into the house at nine o'clock in the night. The dogs knew her, had known her for years, they ripped her to pieces and killed her. Dogs identify people by smell, so it is not to say they did not know who this person was. But they turned on the poor defenseless old lady, ripped her to pieces and killed her. It had nothing to do with intruders. There are so many stories all over the world with these animals always turning on children—I must repeat that—Children they have grown up with and ripping them to pieces for no reason.

So that, it is not a situation where the dogs are required for protection and so forth; it is a situation where the dog is determined to be a dangerous killing machine, unstable, unpredictable and unreliable. That is the problem with these dogs. Whereas, other dogs like Rottweilers, Alsatians and German Shepherds respond to some aspect of training and the majority will respond to commands like stay, sit, come off, that kind of thing, these dogs do not always—and quite often—respond to commands. That is why they are so dangerous.

That is why in 1991 in the United Kingdom, as the Attorney General is well aware, the Dangerous Dogs Act of the United Kingdom Parliament was passed. You see, what they decided to do was to phase out the animals. So, they determined by that legislation that all existing pit bulls would be either neutered or spayed, depending on the gender, that there would be no breeding and no importation of the animals. Then they put a whole set of regulations in place to deal with the existing crop of pit bulls in the United Kingdom. So they said, all right, our population of pit bulls at this time is 20,000 or 30,000 or whatever it is, we are going to phase them out over a period of time by not allowing them to breed and by not allowing importation of the animals. It makes a lot of sense.

What they did to identify the animals, to make sure they minimized lack of compliance with the legislation, they put a permanent mark on the dog. This is why the provisions in this legislation do not make any sense. You will take a collar from one dog and put it on another dog. How do you know that the identification badge for dog No. 1167, a brown and black pit bull, is not taken off and put on the next one? How do you know that? In England, what they do is tattoo the dog with a unique identification number.

3.30 p.m.

They went further, and implanted an electronic transponder—they wanted to check the movement of these dogs. They were very, very concerned about it.

Of course, they were balancing property rights and they are a danger to the public so that they say, alright, the ones that are there now, we will leave them, but let them die out; by attrition, over time, they will die, and at the end of that, there will be no more pit bulls, but we do not want any more dogs and we want to make sure that if a dog gets away they could track it by some electronic device and so forth. That is a bit too sophisticated for Trinidad and Tobago. I mean, to have that here is unrealistic but, at least, put a permanent mark on the dog, so one will know that this is the dog that was registered in St. George West on November 12 or whatever it is! Not some other dog that a criminal just brought in from Venezuela or North America or wherever it is.

Mr. Deputy Speaker, through you, what the Member for St. Joseph is forgetting and what he is refusing to deal with, is that many of these dogs are used by the criminal elements in our society to terrorize people and commit crimes, and I dare say, at this time, that the criminals have recognized how dangerous and effective these dogs are, in intimidating people and killing people and so forth. And I dare say, that the majority of pit bulls in Trinidad and Tobago, at this time—or close to the majority—are in the possession of the criminal elements in society. They use them to kill people; terrorize people, and to break and enter people's homes and so forth. When a criminal comes in your house at night with a pit bull, "yuh run!" You are not staying there.

You see, one must look at reality, one must look at the Bill in the context of the society today; the culture in our country and what is right for our country. I cannot see these measures being effective. It is not effective! What is the point? What are you trying to achieve? You say, alright, you are going to licence the dog; licence is only a revenue-raising measure; licence really has no other purpose; one is just raising some money—okay, it could be \$10.00; it could be \$20.00; it could be \$100.00; it could be \$5.00, whatever—it is a tax. That is what the dog licence was in the past; just like the bicycle licence and the motor car licence. It is just a tax. What one really looking at is registration, and what is the Government trying to achieve with the registration of these animals? What? That you will know where they are? What about the whole question of importation?

What about the whole question of breeding of dogs and so forth? And as I said, what about the whole question of taking badges, collars, licences and

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switching them from dog to dog? *[Interruption]* Yes, exactly, as the Member for San Fernando West has pointed out to me. What about the identification of a dog for insurance purposes? If one of these dogs gets away and kills somebody, how do you identify that this is the dog belonging to John Doe that got away and killed Roger Smith yesterday? How? By the collar? By the time one reaches there the collar gone, or somebody switched the collar. I mean, the insurance companies are going to have a field day. How is one going to identify that this is the dog that committed the injury? A collar or a badge is simply not good enough! I am surprised at the Member of St. Joseph who has come out of the financial insurance industry not being aware of the loopholes in this legislation for insurance companies to avoid the responsibility. That was one of my concerns when I looked at this whole thing.

I mean, we know about motor vehicle insurance; we know how insurance companies try to avoid liability in motor vehicle claims and so forth. A dog gets away—it kills somebody, the insurance companies says, “well, the person’s fence was not high enough; they left their gate open; they had a 16-year-old with the dog; it did not have a muzzle; it was not on a leash; it is a different kind of dog; it is the neighbour’s dog.” It is absolutely ridiculous! How is somebody going to be successful in making a claim on an insurance company with the provisions in this Bill? It has got to be like a no-fault insurance or an automatic insurance where you own a dog, it killed somebody and the insurance company has to pay on demand! It is not a question of—they could go and look for all kinds of reasons and loopholes—why they must avoid liability and so forth. So the insurance provisions are simply unworkable. They are not going to work. It does not make any sense.

The whole question of common yards; if someone is in a townhouse development where there are no fences between townhouses; there is a common parking area, for example, in Flagstaff Hill, there are a number of townhouses with a common backyard. Are you saying that if I am in Flagstaff Hill I cannot own a pit bull? For example, the plannings in Port of Spain, Vistabella, Embacadere and so forth, are you saying that someone who is living in one of these communities cannot own a dog? They cannot! Because they would not be able to have a fence, a gate and all of the requisites put down in this Bill. This is the point that the Member for San Fernando West was making. How are you going to enforce this legislation? The only person who can own a pit bull, under this legislation, is someone who owns his property that is a detached or a semi-detached resident with a wall around it and so forth. Someone who is living in a condominium development, a townhouse development or Regent Towers in

Westmoorings, cannot own one of these dogs, because that person is going to be in violation of this legislation. These are very, very serious issues. It is not something to be glossed over as the Member for St. Joseph did. These are issues of compensation and avoidance of responsibility by insurance companies and identification and registration of the dog.

The other point is, I have not heard any statement of policy; the Member for St. Joseph was talking about policy. What is the policy of the Government? That you would allow breeding of pit bulls to continue in Trinidad and Tobago? That you are going to allow importation of pit bulls to continue in Trinidad and Tobago? What is the policy! I dare say they have not thought it out properly. Because you are seeking to regulate, yes, but what is the Government's regulatory framework? There is none! I mean, put a collar on a dog, big deal; put a badge on a dog, big deal; but what about dealing with the issue which is that these dogs kill people?

I understand the balancing act that the Government is trying to achieve where, as I said, they are looking at property rights; they are looking at the danger to people and so forth. However, if the Government wants to put a piece of legislation in place that bridges these two competing domains, well come good! I am sorry, I cannot agree with what I am seeing here, it is unenforceable. All there will be are situations where people would go and pay their licences or whatever it is, and then that is it; you cannot deal with them after that. You cannot enforce this legislation!

Reading up on this subject, if one looks at it—if one goes on the internet and so forth—is interesting. There are two extremes: there are the animal rights groups who do not wish to recognize that these dogs are killing machines. If one goes on the internet one would see it. They talk about the lovely, loveable pit bull terrier! A lovely pet! A fantastic breed of dog! They do not want to know that this dog is killing people right, left and centre.

It is regrettable that the views of animal rights organizations appear to be prevailing in this legislation that the Government has brought here today, but what about human rights? Yes, alright, we must not be cruel to animals, it is true. I adhere to that. I agree to that; my good friends at the TSPCA are in total support of what is here, but that is not the point. Because you are talking about an animal that kills people without provocation and reason. Sometimes, at a moment's notice, the dog could be—I mean, when one reads up on pit bull attacks on people over the last 10 to 15 years—playing with a child and five minutes later it kills the

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child for no reason, whatever. This is why, since the early 90s, we have seen a host of legislation coming in New Zealand and the United States.

3.40 p.m.

In the United States, various state legislatures like Georgia, and various cities, towns and so forth, have taken different approaches to this whole question of dangerous dogs. There are a number of cities in the United States that have banned pit bull outright. You are not allowed to have pit bulls within the city limits; they just do not want to hear about it. Others have taken different approaches based on their experiences. The fact of matter is, there is a wide recognition in many parts of the world that the only way to deal with this animal is to phase it out, stop the breeding, stop the importation and just let it go out of existence.

Why would someone have to have such a dog? This is my problem! Why would you want a pit bull in preference to an Alsations? Why? Because the dog kills people, that is the only conclusion I could come to. You want a dog to protect your family, home and so forth—well get three Alsation!. “Why yuh want three pit bulls?” The answer is that the three pit bulls would kill people! That is what it is all about. We are not banning all dogs. We are not banning the vast majority, we are banning specific animals. One has to ask: why is there this obsession by certain people that they must have this particular breed of dog? There are hundreds of other breeds that they could have: Labrador, all “kind-ah-ting”. It is a very dangerous kind of situation.

I was reading in the newspaper about an incident that happened with the Member for Pointe-a-Pierre. Take care, suppose there was some pit bulls involved in that! I do not know what the facts are, it may not even be true; you know you cannot always accept things, but based on the wide coverage I have to assume, until it is proven otherwise, that there was some altercation between the Member for Pointe-a-Pierre—some dispute over property—and something happened. One would hate to think that if there were two pit bulls in the constituency office, “de fella dead now.” [*Laughter*] I would hate to think that would have been the result. While the local authority, according to the Member for St. Joseph, would impound pit bulls, the Minister is impounding people. [*Laughter*] Anyhow, that is an aside.

Let me come back to the legislation. [*Crosstalk*] Clause 13 says:

“Where a dangerous dog escapes from any premises, the owner of that dog shall be liable for any injury or damage caused by that dog.”

I am being tempted by my colleagues to make reference to political animals, [*Laughter*] and the suppression and control of dangerous political animals.

Mr. Deputy Speaker: Talk about regular animals.

Mr. C. Imbert: Yes, Mr. Deputy Speaker, but maybe there should be legislation to control dangerous political animals. They should muzzle them; put them on a leash, chain them up, impound them, or maybe put them to sleep.

Let me come back to clause 13:

“Where a dangerous dog escapes from any premises, the owner of that dog shall be liable for any injury or damage caused by that dog.”

This is very interesting. If one looks at the instant matter, the Ferguson matter where the dog escaped from the premises. The argument, as I saw, was that an intruder made a hole in a fence and the dog escaped through that hole and killed an innocent person. Where is the liability here? If my friend John Brown has two pit bulls at home. He has a wall 10 feet high and a steel gate; he has the dogs on a leash and muzzled. Thieves break into his house, leave the gate open and the dog escapes and kills somebody. Are you saying under this legislation that the owner of the dog, who was not responsible for thieves breaking into his house and letting loose the dogs, is now liable for the injury or damage caused by that dog? This is a very complex area of law and I would like the Attorney General to deal with that.

Anybody could say, “I lock meh gate, I close meh door, I leave meh fence secured, and someone came, opened the gate, let out the pit bull and it killed somebody; I am not liable!” How are you going to deal with that? How are you going to deal with that defence? “When I left home this morning my padlock was on my gate, my wall and fence were secured; when I came home I met a hole in the wall, the dog out and a man dead on the ground!” How are you going to deal with that defence, especially if there are no witnesses?

I do not think the Government should proceed with this legislation. I think very serious issues have been raised here. I do not think that the Bill will deal with the problem, which is to control these killing machines. I do not think the provisions in terms of insurance and so forth are practical and workable, and many of the provisions here are too loose and open to interpretation. I am sorry, this is not well-drafted legislation. We should, as a country, having recognized that these dogs are dangerous, be moving to phase them out. This is the concept of a ban. The concept of a ban is not that every single pit bull in Trinidad and

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Tobago today must be taken down to the pound and killed, that is not the concept of a ban.

The concept of a ban is that you stop the increase in numbers of these animals and put measures in place to phase them out through attrition and measures in place to control those dogs that will still remain, to make sure they are not a risk to people and that there is protection for people. This is where I expect the Government to be coming. We are not saying take every pit bull and kill them. What we are saying is: recognize that it is a dangerous animal, and that it is not in the long term interest of the public to have these animals around, and put systems in place to stop the multiplication, importation, and breeding of the dogs, and identify the dogs properly, the ones that will remain until the end of their natural life, 10 or 13 years or whatever years it is from now.

What is wrong with the English system? There is nothing wrong with it! That is what they did in England. They tattooed the dog, put a mark on the dog, stopped the breeding, they spayed and neutered, and 10 to 15 years afterwards, no more pit bulls. But one gets the impression that this Government has a kind of lukewarm, halfway house kind of thing; they are not sure what they want to do. They are not sure if they want to ban the pit bull. They are not sure if they want to keep it. They say it is dangerous but they are letting it out to kill people and so forth. It is quite ridiculous.

I am asking the Attorney General: take this legislation and think about it again, make some amendments that will deal with the principles that we have enunciated on this side, and come back. Once you come back with something that could work, that would protect people, little old ladies and five-year-old children, from these dangerous animals—because if you pass this legislation, the day after you will open the newspaper and see some little three-year-old just got killed by a pit bull. It escaped through a hole in the fence and killed the child. “What yuh go say, too bad?”

I am asking the Attorney General: take this legislation away, consider what we have said and come back with something that can work. I am recommending that you look at the United Kingdom 1991 Dangerous Dogs Act and its 1997 amendment, very carefully. The amendment that gave the magistrate discretion to determine whether a dog should be disposed of and so forth. In England, after years of the legislation being enforced, they amended it to allow a magistrate to have the discretion to determine whether a dog should be destroyed. That is what we on this side will support; that is the only way we see this legislation working.

I do not think what you have done is going to deal with the problem and we ask that, for once, you listen to what the other side has to say. We did not come here to score political points and mamaguy anybody. We came here to be very serious about a very serious problem, where people's lives are involved, and as legislators I would always go down on the side of human rights as against animals rights. Human rights before animal rights, as far as I am concerned. So I hope the Attorney General and the Government is listening and they would take steps to deal with this very dangerous menace, this hazard that kills people at a moment's notice.

Thank you.

The Minister of Local Government (Hon. Dhanraj Singh): Thank you, Mr. Speaker. I rise in support of the Dangerous Dogs (No. 2) Bill. Before going into the meat of this Bill, I will like to respond to the contribution made by the Member for Diego Martin East. It was one of his more enlightening contributions, but he spoke about a dilemma that we as legislators would have. He spoke about the two extremes with which this problem confronts us: those who are the animal lovers, who love their pit bull and would not like to see it banned or destroyed, and those of the human rights who are more concerned with the lives of people and so forth.

In drafting this Bill, the authorities felt that they would take the middle of the road at this point in time. This piece of legislation is not cast in stone. If for some reason, this legislation and the regulations to follow, do not have the kind of impact that we would like to see, I am sure this Government, being a very responsive Government, will see it fit to come back to the Parliament to amend the legislation so that the problem would be properly addressed.

Mr. Deputy Speaker, the background to this Bill is well known, and several consultations have been held. Those consultations dealt with the pros and cons of citizens' constitutional rights to own property, including dangerous dogs, and the duty of the state to protect citizens from these dangerous dogs.

As a responsible Government, we firmly uphold the law and the Constitution. We have been unwavering in our commitment to protect all citizens of this country from unnecessary hazards, while respecting the rights to property ownership by citizens. [*Crosstalk*] In this context, we have produced a Bill to establish a regulatory framework for the keeping of dangerous dogs and to promote responsible ownership thereof. This Bill has been informed by public concern and, therefore, ensures that there is no violation of any citizen's

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constitutional rights to ownership of property by recognizing the rights of citizens to own dangerous dogs but, at the same time, protecting fundamental human rights of citizens to freedom of movement, unmolested and without fear of being attacked by vicious dogs and also the right of the individual to life.

3.55 p.m.

Mr. Deputy Speaker, the Government recognizes the citizens' need to protect themselves, their family and their property from perpetrators of crime in our society who have demonstrated little regard for life, limb and property. Moreover, their brazenness and frequent invasion of the sanctity of our homes require some means of curtailing such behaviour. These dogs, such as the pit bull seem to be the preferred deterrent, however, some owners of dogs exhibit a sufficient degree of carelessness and wanton disregard for safety precautions resulting in serious injuries and death in many instances.

The foregoing presents a challenge to Government in its attempt to institute appropriate measures to curb these unnecessary and dangerous events. The difficulty arises from four competing rights which are:

1. the rights of citizens to own such dogs;
2. the rights of citizens to be protected from savage attacks by these dogs;
3. the need to protect other animals from these dogs; and
4. the need to be humane to these dangerous dogs.

Mr. Deputy Speaker, the Bill places responsibility on a number of government agencies such as local government authorities to carry out certain functions associated with the regulation and control of these dangerous dogs. The Ministry of Local Government, through the local government authorities, has historically been closely associated with the control and regulation of the ownership of dogs throughout the country. Among the duties which are currently performed with respect to dogs are:

1. patrolling streets and public premises in order to identify and remove stray dogs and otherwise ownerless dogs;
2. safekeeping of such dogs in dog pounds for a prescribed period of time, thereby giving the owner sufficient time to retrieve such dogs after payment of the expense incurred in the safekeeping of such dogs;

3. the disposal of such dogs by humane methods to ensure that they do not return to the streets and public premises;
4. assuring that mange and other diseased dogs do not endanger the public's health and safety.

Mr. Deputy Speaker, local government bodies will be expected to play a more crucial part in the regulation of dangerous dogs and will be given additional responsibilities including:

1. receiving annual license fee and receiving licence for these dogs;
2. inspection of premises to ensure that premises on which dangerous dogs are kept are secured;
3. seizing any dangerous dogs which are in a public place and which appear to an officer to be dangerously out of control;
4. seizing any dog which appears to an officer to be a dangerous dog in a public place without being muzzled and kept on a leash.

Mr. Deputy Speaker, the necessary resources and infrastructural support will be provided to the regional bodies for the following:

1. retraining existing staff already involved in the control and regulation of dogs and training appropriate personnel to handle dangerous dogs;
2. enlisting the police including the municipal police in the exercise of duty associated with the regulation and control of dangerous dogs;
3. certain officers would be required to handle dangerous dogs.
4. co-opting the Red Cross and ambulance services to deal with emergencies;
5. formulating a policy of inter-authority relationship and collaboration among local authorities in order to maximize the use of available resources and co-ordinating the exercise or function associated with the control and regulation of dangerous dogs;
6. establishing an administrative regime to identify and determine whether owners of dangerous dogs meet all the legal requirements stipulated in this Bill and to assist the enforcement of such legal requirements; and
7. establishing a reporting mechanism to determine the effectiveness of the measures outlined.

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Mr. Deputy Speaker, at this point in formulating the regulation that would accompany this Bill, I have taken note of the point made by the Member for Diego Martin East to have these dogs tattooed and have a number placed on them and we are working with the corporations to ensure that something like this is implemented.

We envisage that the foregoing methods would alleviate the anxiety of the population and restore some confidence with respect to being able to move about the country freely without fear of being attacked by dangerous dogs. Likewise, citizens would retain their constitutional rights to own such dogs for the protection of life, limb, property and their family. As I mentioned earlier, this legislation is not cast in stone, and if after some period of time has lapsed, and the legislation has not properly addressed the problem, we would return to the Parliament with amendments to make it more effective.

Mr. Deputy Speaker, the Ministry of Local Government has, and continues to manage several licensing regimes so it is nothing new to us. It is no big thing. We currently handle the issuance of food badges; cremation licences; stamping of scales; approval of building plans and collection of house rates and taxes, so the handling of this licensing regime and the effective policing of this regime will not be something new to us and it would not be out of our reach.

The ministry is prepared to do whatever is necessary for the effective management of this piece of legislation and I hope that Members on the other side, knowing fully well the dilemma which we face in trying to satisfy everybody with this piece of legislation, will support it.

Thank you.

Dr. Keith Rowley (*Diego Martin West*): Mr. Deputy Speaker, I did not intend to intervene in this debate, but I cannot sit and allow a Minister of Government, in seeking to provide support for a questionable piece of ineffectual legislation to talk about people's constitutional right to own a killing dog. I wonder in which part of the Constitution that is written or described. We have to be careful. Ministers of Government are managers of the country and when they make statements, if they do not know what they are talking about, they must keep their mouth shut.

Mr. Deputy Speaker, if you ask anybody in this country who feels threatened—either a person or a family—and you ask them what they would prefer to have to protect themselves and their family, they will tell you a firearm. But there is regulation in this country where some people are allowed to own

firearms and others are not. No person, to the best of my knowledge has gone before a court and has been able to win a case stating that by being denied a firearm, such a person is denied his or her constitutional right. Yet, as we talk here, following the very lucid contribution of my colleague, the Member for Diego Martin East, pointing out that the problem which we are trying to solve is how to protect innocent life from a temperamental beast which has relatively recently been brought and bred in this country, a Minister talks about people's right under the Constitution to have this dog. What foolishness! I hope somebody on the other side who knows about Government and the Constitution will get up and debunk that nonsense.

Mr. Deputy Speaker, the Government has banned the handling and keeping of mace. In other countries, mace is legal. It is a spray which one can use if one is attacked, at the moment of being attacked, or if one has grounds to believe that one is about to be attacked, this spray can be used against an attacker at very close range and it has been found to be very effective. In some countries it is permissible and in this country it is a banned item. Could the ladies who have been raped left, right and centre in this country now get up and argue for this effective deterrent against the beast who attacked them and say it is their right under the Constitution to have mace?

The difference between mace, a firearm, and a dog should be clear to the Government. A firearm that is loaded even with the safety catch off does not come into play until a human brain puts human muscle to pull the trigger and direct it at a target. So a firearm in your pocket, in a drawer, wherever it is, the firearm in itself is not a danger to the person until there is human intervention. The same thing with mace, but a dangerous dog has a brain and known only to the dog is the time when it will act and turn from friend to foe, and that is the problem with the dangerous dog.

My colleague, the Member for Diego Martin East, pointed out that there were instances in this country when these dogs had killed people who ought to have been known by the dog. They shared the same compound with the dog, they grew up with the dog. The dog's temperament and the dog's brain—unlike the gun or mace—picks the time, the place and the person, so the human beings who are at risk have no control over that aspect. If these dogs are allowed to propagate in this country, and there will be more of them because if we do not stop the breeding and the importation, the numbers will increase and it is reasonable to assume that the number of gruesome attacks will increase.

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We on this side are saying, while we appreciate what the Government is trying to do, that what is offered will not treat with the problem. We are not talking about who is against dogs and who is for dog and little people and big people. That is nonsense!

I would be very surprised if my colleague from St. Joseph, notwithstanding the fact that he wore coats and tails at the Court of St. James, did not claim to love animals under the British. They are renowned for their love of animals especially dogs and they saw it fit to protect the public by eliminating that species from the large number of dogs available and then some Minister gets up here—I thought he was getting up to tell us how the Muslimeen beating people in his office. He gets up to tell us nonsense about people's right under the Constitution to have a pit bull. I hope he understands that he has no right under the Constitution to have thugs beat up and kidnap people. I hope he understands that, because that is worse than the dogs. If he is claiming rights for the dogs like that, and for people to have pit bull rights, the next thing I expect him to claim in this House is that: I have a right to have mongoose gangs and the gangs will do as I, or do as they please. Where is this country going?

4.10 p.m.

Mr. Deputy Speaker, if we cannot deal with a problem like this, which manifests itself so frequently and painfully, I am wondering whether we would be able to deal with the item of news that has made the front page in the newspapers today, about people being kidnapped and beaten in a public office. People are summoned to a public office and when they go there, they find themselves being kidnapped and beaten. The next thing you hear is that they disappear.

In South America that is standard practice. You are summoned and you turn up—that was Nazi Germany—or they come for you and put you in a car and take you away. You are beaten and you disappear. So what are we to do now? Accept that dogs of this nature—these killing machines—that have distressed and frightened so many people in this country, that we cannot deal with them because to do so, is to accede to some nebulous request that we know that these dogs are great pets or we are anti-animal, nonsense!

Mr. Deputy Speaker, I have five dogs and I was offered one of those animals and I refused it. I heard my friend from St. Joseph here, in his misleading treatise this afternoon, saying that the dogs do not dig like tattoo. Well, a friend of mine has one of those dogs, it did not dig once but twice under the fence and went next door and distressed people.

Mr. Assam: What kind of fence?

Dr. K. Rowley: The Minister gone into construction work now—fence with steel. When the dog dug it out the first time to get out, the steel that was buried in the ground the dog got passed it and cut its own head—a great gash—and distressed the neighbour's animals and terrified the children. Only God saved the children. And do you know what? When it was brought back and the fence was fixed, it dug it again. The Minister obviously does not know what is a pit bull. Are you talking about the price or the temperament? *[Laughter]* So, the Minister cannot advise us on pit bulls. The dogs are dangerous. Mr. Speaker, I will tell you something else too. The Queen's Park Savannah and its environs, you see them up and down parading with these dogs. Many of the persons you see with these dogs around the Queen's Park Savannah, you have to ask yourself, if this dog distresses me, my child, friend or whatever, these people, can they provide compensation as required? And when they kill my child with their killing dog, how can they compensate me? And because the Attorney General has to put a figure, as to what insurance coverage one should have if you killed my child and the insurance has to pay up to a limit of whatever the figure is, is that compensation? Is there any compensation for the loss?

A few weeks ago in Trincity, it is only good fortune and the intervention of fate that a taxi driver was passing and he had a cutlass, when a woman's daughter was set upon by two pit bulls. This man had to come out—as most other persons would not have done—and intervened and chopped the dogs to save the child, and the owner is saying, the taxi driver has to account to him for killing his dog or some nonsense like that. That is what we are dealing with.

Mr. Deputy Speaker, there are hundreds of breeds of dogs. Nobody is saying that you should not have a dog for your protection but—by the same tenet of the argument of my friend from St. Joseph—if you were to claim the right to have a killing machine, the most dangerous dog, a known killer, then a person with a firearm licence, who could afford it should be allowed to own a machine gun, or a fifty calibre riffle because that is far more effective. You can kill the intruder from further away, and if there are 10 of them, you can kill all of them at once, right—a gun. I have a firearm licence yes, so, I should be allowed then to buy any firearm because what I really want is total protection. That is the logic of his argument.

Mr. Deputy Speaker, it amazes me that people who hold office as Ministers could present that kind of argument in justification for legislation, which is clearly wanting, because one must not lose sight of the fact, of what we are trying to do? What problem are we trying to solve? What is the problem? The problem is not

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to penalize anybody or to take away anybody's pet? The problem is that there is a breed of dog that is now popular in this country, and the dog is well known to be a temperamental, unstable, very strong, unreasonable and killing animal. And the Government—because of what we have seen happening to unfortunate people—has been forced to act as a result of what has been happening.

Mr. Speaker, understand this. The Government did not come here because they felt something about dogs and cats. It is because of how people have been mauled frequently by a particular species of dog. And do you know what? My friend from St. Joseph gets up and says that he knows “pot-hound” that killed people. Tell me which “pot-hound” killed persons in this country?

Mr. Assam: I never said that.

Dr. K. Rowley: Absolute nonsense! You have a right to disown it now. Hearing it from me now it sounds so silly that you have a right to disown the statement. The Member for St. Joseph said that he knows “pot-hounds” that are equally vicious.

Mr. Imbert: Yes, the Member said that.

Dr. K. Rowley: He has a right to distance himself from that statement because the word to describe that statement is unparliamentary.

Mr. Hinds: He should get back his muzzle.

Dr. K. Rowley: Because the Government brought the Bill, they feel duty bound to defend it with that kind of statement. We are saying—and the Attorney General practising law, is trying to solve a problem—we give the Attorney General the assurance that if he brings legislation here, which impacts effectively on the public and has more than a fighting chance of solving the problem, then the Attorney General can count on our support.

Mr. Deputy Speaker, this legislation is simply an attempt to say that we have done something, knowing full well that nothing will change. In fact, it would worsen because people would be allowed to breed more of the dogs and we will have more dogs like that in the country and, therefore, there will be more fax. So what are we doing? Trying to fool people with nonsense. That is why when the Ministers got up—two of them this afternoon—one talked about your rights under the Constitution and the other about “pot-hounds” that are killing people too.

The Government would be negligent if it goes ahead and passes this legislation. The Government would be uncooperative if it does not take up our offer to adjourn before completion, take it back and, based on what we have said

and what the Government knows, do not allow the interest and the point of view of the minority to prevail.

Mr. Deputy Speaker, under our system, it is the position of the majority that should prevail and I dare say, the majority of persons in this country do not want anything to do with these dogs. [*Desk thumping*]. I know of people in this country who are breeders. They breed and own these dogs but they must accept that they are a minority and whatever interest these dogs served, that is the interest of the minority, and in the interest of the majority, these dogs should not be allowed to become part of a canine state and that is what governance is about. [*Desk thumping*] You cannot be pandering to your friends who might come and whisper in your ears, do not do that because it is going to affect me, personally.

If the Government has been lobbying—that is what they are there for—they will lobby you and express themselves and I am happy that the Government is listening to them, but you are to say, “having listened to you, the issue is such that we have to proceed in this way.” The Government did consult, there is no question about that but the interest of the minority cannot prevail. If these dogs kill one more child in this country, five years from today, that will be as a result of the Government allowing the population to exist with those dogs amongst us.

Mr. Deputy Speaker, if there are 5,000 dogs in the country today and they breed, in five years’ time that breed could be 25,000. If when they had 5,000 dogs, every three months they were killing somebody, what does the Government expect to happen when there are 25,000 dogs? What do you expect to happen? By which time, my friend, the Member for St. Joseph and the Government and its Members long gone, but the people still have a problem that they have not got solved, because their Government of the day that brought it to Parliament did not bring an effective measure. A measure has to be effective to be worthwhile. What is the Government asking us to vote on? Then my friend from Pointe-a-Pierre gets up here and is trying to give me some kind of assurance that Local Government has the wherewithal to manage dogs. Local government will not cut the grass.

4.20 p.m.

Mr. Speaker, the laws applying to local government are so wantonly flouted by the Minister of Local Government, that area is now known as an area of lawlessness. [*Desk thumping*] I have seen in today's newspapers the chairman of Tunapuna/Piarco Corporation telling the country that under the tutelage of the Minister of Local Government moneys to pave roads in the Tunapuna/Piarco area found their way into Chaguanas. Then statements of claim for work done in

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Tunapuna/Piarco come out of Chaguanas, for roads that have been paved before and for roads that have not been paved.

That is the kind of government we are talking about; local government where a contractor can put in a bid for \$500,000.00 when only \$300,000.00 of work has been verified. There are roads in Santa Rosa which have not been paved and claims for payment are being submitted to the local government body for payment. That is the local government in which he is telling me I must have confidence to manage killing dogs? He could not be serious. All that will happen, Mr. Speaker, is probably more corruption because he will find a way to corrupt the dogs.

I mean, local government in this country is known as the 15 per cent ministry. There is somebody in there who walks around collecting 15 per cent on every payment and I must have confidence in that body to protect my child and my neighbour's children! Well I represent the people of Diego Martin West and their children have to be protected from these kinds of animals because the animals are dangerous. I am not making this up. I am not discovering this. I am simply stating a known fact. Let the Government spokesmen get up and say that these dogs do not pose more than a reasonable threat to the average person.

If you are walking on the pavement and some person is coming towards you with one of those dogs, even with a muzzle on, what is your normal reaction?

Hon. Members: Go on the next side.

Dr. K. Rowley: Why? You go on the next side because you have a justifiable fear of the animal. Seeing another breed of dog will not prompt one to do that because other popular breed dogs or even less popular breeds are not known to just “ups and” decide to grab you. It is because the fear is there based on what the dog is known to have done. So the Government cannot say it does not know about these animals.

Then, to come and tell me about a 16-year-old must not own a pit bull. “Dotishness”! If a father has a pit bull and his 16-year-old son takes it for a walk and the policeman says, “You should not own a dog”, he could say, “Well, I do not own this dog. It is my father's dog.” The law is complied with. He is walking his brother's dog, “My brother is 19 years old and I am walking the dog, I am 16 years old”, or, “I am 14 years old, I am complying with the law”. That in no way protects the person who is exposed to the dog. So that kind of clause is an absolute non-starter.

What I am saying here is nothing new to anybody on the other side, so why are we proceeding in this way? If you force it through and make it law, we all know that it is not going to change the price of anything. People in public places, even in their own surroundings—for example, this question of having a certain fence, fences have gates. You open the gate to drive your car in and the dog runs outside, as has happened to me in a neighbourhood in my constituency. An owner of a dog like that opened the gate to drive his car out, his dog ran out and was then in the public road threatening all passers. He does have a very nice fence but the fence has a gate, which has to be opened from time to time. It is when the gate opens that the problem arises; unless this Government can decree that fences must not have gates that can open. [*Desk thumping*]

I can tell you worse than that. In a number of crowded areas in our country, take for example east Port of Spain, there are situations where a number of households share the premises within a common fence. Go into east Port of Spain and you will find many situations where there is a compound occupied by about three or four families—one structure with three or four families. There might be small children in different families. That compound has one fence and one gate, one point of entry. When somebody in there decides to have a pit bull, according to this law he or she would have complied with the law because the dog lives in a compound that is fenced. But persons from family A, B, C or D who do not own the dog, they too have to come into the common compound so they are in no way protected by this kind of law which gives the impression of or the semblance of protection.

When you come in and your neighbour has a pit bull in your common compound or your child comes out to play in the yard which is shared by the other children, what is going to happen? It is under those circumstances that people are going to be mauled time and time again because these dangerous animals are not only living here but are being bred in larger and larger numbers. I think it is a concession to say, “Let us have no more of these dogs. Do not bring any more in. Do not breed any more”. The ones that we have would be registered and, like the English had done, you put conditions in place to govern the ones that are here now, quite stringent conditions. Persons who are unable or unwilling to meet those conditions, then their animals will be put down. Nobody can claim the right to breed this four-legged terror to kill and maim other people.

Rights are a balance. A right is a balanced thing—your right to have it as against my right not to be maimed by it. So when my friend from Pointe-a-Pierre gets up here this afternoon and talks about rights under the Constitution, it is just

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short of a lack of understanding or deliberate, mischievous provocation and that cannot be the basis on which you draft, debate and pass legislation. It must have some semblance of success. This legislation, Mr. Speaker, has no chance of making any significant dent in the threat, the terror or the damage that these dogs will continue to wreak in the national community.

Unfortunately, the people who are most exposed to these animals are the elderly, as we have seen, and children. There was a lady in Belmont who was killed by her nephew's pit bull. Mr. Speaker, it was something terrible to behold. I do not know how they live with that. No dog of mine does that and leaves me with a conscience. I mean, your dog kills your mother for no apparent reason! How do you live with that? Then somebody gets up and tells me about he is some animal rights spokesman. You know, we are getting this thing wrong. We are getting mixed up here, you know.

That woman's child who was set upon in Trincity, suppose that child was killed? Who was going to give her back her child? You love dogs; she loves her child. You put your dog's love before her child then you are upset about the fact that the child was saved! The child was saved by a passer-by and you are bothered by the fact that the child was saved and the dog was lost! On this matter, Mr. Speaker, I know on which side I come down. The PNM's position is very clear. These recently introduced animals into this country pose a threat and an inordinate danger to the public. They cannot be guaranteed to be kept in private spaces and, therefore, the logical conclusion is to eventually eliminate them from our landscape in the most humane way. [*Desk thumping*]

I appeal to the Attorney General to take this back a bit, rethink it and return with something that more closely resembles what has been successful in other jurisdictions. I do not think that we can claim to be more dog lovers than the British and they have had this thing working now for eight years. We would do well to be guided by their success. Of course, in England there are animal rights activists. If you go on the Internet you will see them still bleating and saying how harsh this law is. Of course, every issue has its supporters. There was a big Klu Klux Klan march in Washington last week. There were thousands of persons there, right. You will have people who would say do that but they are in the minority. While we respect the minority, we hear the minority and we are consulting with the minority, their views must not be allowed to prevail against the interests of the majority. I thank you, Mr. Speaker. [*Desk thumping*]

Mr. Speaker: I would recognize the Member for La Brea but we will take you immediately after the tea break.

Mr. Bereaux: Are we going on the tea break? [*Interruption*] Oh, well, after the tea break.

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

4.31 p.m.: *Sitting suspended.*

5.04 p.m.: *Sitting resumed.*

Mr. Hedwige Bereaux (La Brea): Mr. Speaker, I join the debate to make a brief comment on this Bill to provide for regulating the keeping of dangerous dogs which present a serious danger to the public; to make further provision for ensuring that such dogs are kept under proper control; and for connected purposes.

Mr. Speaker, the control of dogs, historically goes back to the English Dogs Act of 1906. Significant among it, it said that every dog is allowed one bite except against cattle. That statement is significant because it was recognized at that time that the only problem one bite from a dog would pose, was if it bit cattle, and the description of cattle in 1926 was extended to include poultry.

We are faced today with a menace, a threat of dogs. In particular, I speak of the pit bull. That is a killer dog. So, we have to look at the dogs now and, in fact, at the pit bull, because it is a killing instrument. A number of Members have spoken here today and I do not think we have looked sufficiently at a particular area. I will tell you what that is.

Why would a human being, a usual, law-abiding member of society, want to have an unreasonable killing animal in his possession, an animal which is likely to turn on his or her own children? Why, during the past few years, have we had an increased propensity to want to rear and to own these animals? I put one thing up as a result of it, and that is fear, fear that the population is coming to have for their person, their property and the well-being of their loved ones.

Quite recently, in my constituency of Rousillac, in the dead of night, on Divali night “to boot”, they broke into the home—and when I say “broke in”, they did not use any sophisticated weapon to get in; they actually used brute force and broke down the door—and robbed an old proprietor of a substantial sum of money and jewellery. We cannot say he was careless because he owns a gas station and that represented, maybe his day’s receipts.

Again, time and time again, we see these types of violent and serious crimes being perpetrated on the population. Whereas one recognizes that crime is not

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new in the country, having regard to the fact that this Government came into power, and as one of the hallmarks and the underpinnings, or should I say, the central element of their election campaign, spoke about dealing with crime. But here we see murder upon murder of the most gruesome kind being committed and then fear in the population, to the extent that people are being driven, through fear, to rear these dangerous dogs.

So, when we are looking at dealing with the dog menace, the menace of the pit bull, I think we would be behaving the same way as if we look at a sore on the foot and not consider the diabetes of the patient. You know, when we have people, as we say, with a sore foot, and we are just looking at the sore and not considering the diabetes; that is the problem.

In Trinidad and Tobago, whereas we have to look at this Dangerous Dogs (No. 2) Act—and I endorse the statements made by the Members for Diego Martin East and Diego Martin West in respect of this dog menace—I focus especially on the fact that this propensity and this burning desire of the population to own these dangerous dogs, come as a result of fear and we, as legislators, have to do something to allay the fears of the population.

Mr. Speaker, it is the old thing. You hear somebody get into trouble and you say, “Boy, I better get ah gun.” Now, you cannot get a gun; it is illegal and it takes a long time to get one; so, you get a pit bull. You see people walking around sometimes in crowds with their pit bulls and they know that everybody would move away from them because of the nature of these dogs.

Look at what is happening and I cannot help but get away from this. In today’s *Newsday*, there is an article headlined “Licks at the Sheriff’s Office” and we read in this newspaper where, apparently, certain persons had gone to the office of the Member of Parliament for Pointe-a-Pierre, the Minister of Local Government. There might have been an altercation or whatnot, and they were allegedly arrested, kidnapped, taken to the man’s premises and in the sight of all his workers, licks were rained on him. Now, I can see that gentleman, if he finds difficulty in owning a gun, would seek to have some dangerous dogs there, because let us not make a fuss about it, the general tenor of unruliness, of misbehaviour—

Miss Nicholson: Lawlessness.

Mr. H. Beraux:—of lawlessness in the society is what pushes people to try to say they must protect themselves. But, there is the other example of a person who is totally innocent and finding himself or herself in the way of one of these dogs—and I say in the way.

Take for instance, the situation in Siparia, in the constituency of the Member for Fyzabad, where this man went into an open lot not in the yard of the owner of the dogs—in an open lot—and this pit bull killed him. Now, let us assume that that pit bull owner had a very high insurance for that dog, if it could be proven that was the dog that killed him, what could that do to assuage the anger of the relatives of that man?

So, when we talk about insurance, all we are doing—and I am sorry if I have to point at this Government again. They feel that to throw money at any problem is to solve it. We had a situation with the police, so they gave them plenty cars and now the police say the cars have started to break down. They gave them new guns; the police are now saying they did not have bullets in the guns. They are throwing money at the situations and they are not thinking through the solutions.

I am saying that it is not a question about passing any bill to control these dogs, these dogs cannot be controlled because they are known to turn on their owners. These dogs must be banned in this country, and when I say banned, I support the position taken by my colleagues that we phase them out. Start one day and say, “No more”, and all the rest will go by attrition.

5.15 p.m.

You see, Mr. Speaker, there is no need for us to cause greater harm. I was looking at a couple of the clauses and I keep seeing reference to responsibility. If I were to take a gun, and God forbid—because I would not do it—I shoot somebody, either negligently or otherwise, I would be charged for manslaughter or murder, but a man who owns a mad dog, a wild dog, a dog that is trained to kill, and negligently keeps that dog and it kills someone, what happens?

We are talking about insurance, and about one year in prison. I am not hearing that to incite a dog to attack somebody, if that dog were to kill that person, that is murder. If one has it negligently at one's home and it kills somebody, that should be manslaughter, because if one is driving a car which is not in itself considered to be a dangerous weapon and, subsequently, as a result of one's driving so recklessly, one kills somebody, that is manslaughter.

Mr. Speaker, I just wanted to support the position of my colleagues on this side that it is a question of banning these dogs and not of trying to pass a bill to give any piecemeal solutions, because this Bill, if it is passed in its present form, will not solve the problem.

Thank you.

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, this has not been an easy topic for which to legislate. It is a topic and an issue which has produced several serious concerns and problems for Government and for legislators. I could just show how difficult this is, Mr. Speaker. The Government and I sympathize with all persons who feel that these dogs should be banned. As a matter of fact, the original policy of the Government was that these dogs should be banned.

Mr. Speaker, when one looks at that Bill which was introduced in this House in 1998, and I want to read it because it was patterned along the English Bill, clause 5, for example, states:

- “(1) No person shall import into Trinidad and Tobago a dog, or the semen of a dog of the type specified in the Schedule.
- (2) No person shall breed or breed from a dog of the type specified in the Schedule.”

Clause 6 states:

“A person who owns a dangerous dog shall ensure that that dog is neutered by a veterinary surgeon within three months of the coming into force of this Act.”

It provided a regulatory framework for the existing dogs to be got rid of over a period of time.

Mr. Speaker, when that Bill was introduced, apart from it being mentioned that it was being introduced and the Government was open to suggestions, there were notices printed in the newspapers. This Bill was distributed throughout the country at all of the post offices so that people got the Bill on which to comment.

One of the comments coming out of this matter is the comment of the People's National Movement which stated that it was in favour of controlling these animals through licences. I want to read it:

“We are, in principle, in favor of controlling pit bulls and this may be done through the use of licences.”

So, they want to control it; not to ban it. They are saying this may be done through licence. There was no policy by the PNM that they were supporting banning. On the contrary, they were against it. I read, Mr. Speaker, from the publication on October 20, 1998:

“PNM Chairman, Linda Baboolal, said that the PNM was in favor of controlling the animals through licences. Speaking at a press conference at Balisier House following last Sunday's general meeting, Baboolal said, ‘The Government has been known to slip into legislation clauses that attack the constitutional rights of the people of Trinidad and Tobago.’”

So, here she was saying that these people who own these dogs have constitutional rights, and the Government was attempting to take away these rights. Here today, the hon. Member for Diego Martin West is contradicting that. There seems to be two policies of the PNM. Here she said:

“We are committed to ensuring this does not happen. We are, in principle, in favour of controlling pit bulls, and this may be done through the use of licences.”

Mr. Speaker, here it is the Government introduced a Bill to ban pit bulls; to ban the importation; to put it along the English model, and we came to the House and said, “Listen, we want help. This is not an easy issue. We want help from the population for us to make up our minds as to what we are going to do.” Nobody has got up and said she had no authority to say this, and that the PNM does not agree with it.

Dr. Rowley: Thank you very much for giving way. This is just for a point of clarification. Could the Attorney General clarify for us in this House whether a citizen has a right under the Constitution to own a dog like that?

Hon. R. L. Maharaj: I will come to that. I give the hon. Member the assurance that I will deal with that topic, but I was dealing with Balisier House. What I am saying, Mr. Speaker, is that I have checked the records for newspaper releases from that day to the present day, and there is no statement issued by the PNM contradicting this or saying this does not represent the views of the PNM.

The headline is not what the Member said. The Member said that the PNM was in favour of controlling these dogs by licences. The Bill before this House is controlling these dogs by licences. [*Desk thumping*] That is it. We do not operate by what headlines say. The headline is what the editor put. What the PNM has said today is that it is against controlling by licences. They want a total ban. Mr. Speaker, it shows what a responsive Government this is. When the PNM said this, this Government considered what they said as a responsible Opposition party!

Dr. Rowley: Thank you very much for being so indulgent. Now that that principle has been established, the PNM and the Attorney General said that the

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airport contract is null and void and we called for an inquiry. Will we have one?
[Desk thumping]

Hon. R. L. Maharaj: Mr. Speaker, I am talking about dogs. [Laughter] I am not talking about the airport contract. I thought he was going to ask me a question about dangerous dogs.

[Words expunged.]

Mr. Speaker: What the Member for Diego Martin West blurted out just now will not appear on the record. That is not good. That will not appear in the record.

Hon. R. L. Maharaj: Mr. Speaker, I can understand why the policy of the PNM has changed since this publication. It may be that the leader of the PNM, the Member for San Fernando East, wants to get rid of dangerous dogs within the PNM. [Laughter] It may be that he wants to ban dangerous dogs in the PNM. They have talked about human and political dogs, so it may be that the Member for San Fernando East wants to get rid of the Member for Diego Martin Central and the Member for Diego Martin West, so I could probably understand what is the change of policy.

Dr. Rowley: Make jokes! Go ahead!

Hon. R. L. Maharaj: Mr. Speaker, we are dealing with a very serious issue, and this has not been an easy issue, not only for this Government to resolve, but for other governments. In my presentation, I have shown how other countries have had to deal with it. Some countries have gone with the scheme that we have now, and others have gone with the English model. We in Trinidad and Tobago decided that we were going with the English model—there has been response—we have considered it and we have come here and said, “Listen, let us try this out. If it does not work, it does not prevent us from coming back, even within six months of the date of implementation of this Bill. If it does not work, the Parliament has the power to effect the ban”. But do not say that we must sit and do nothing about it, because at the present time, the law is inadequate to deal with the problem.

Mr. Speaker, this problem did not come after 1995. This problem existed before 1995. Dangerous dogs did not start to kill people in 1995. They were killing and injuring people before 1995. What did the PNM do about it? They did nothing about it! We came on the scene, got into office and we decided that we were going to do something about it.

When we decided we were going to do something about it, they said, “Do not do that. We do not want you to do that”, because that Bill needed a specified

majority. The Bill we introduced in 1998, since it was going to be a total ban, needed a specified majority, and the Government could not have passed that Bill without the support of the Opposition and the Opposition then took the position, “No!” Now the Opposition wants to frustrate the Government by saying, “Listen, we are not supporting this. Go back.” And by the time we come back, another year has passed and more damage and injury will be done to the people.

Mr. Speaker, I think with the greatest respect, the Opposition is playing politics with a very serious issue which affects the lives and the safety of people. Let us examine some of the things the Opposition has said. Before I say that, may I say that I have been very enlightened by the contributions I have heard coming from the Opposition today. As a matter of fact, if I may say so, I think the hon. Member for Diego Martin East has made the best contribution, the most important contribution on this Bill in this House. *[Desk thumping]* One may not agree with everything he has said, but one has to recognize that he has made the best contribution, the most structured contribution, and the most objective contribution. It is very significant that in making his contribution he did not mention the Minister of Finance's name. *[Laughter]* Very significant!

The Member for Diego Martin West always makes good contributions, but he allowed his emotions to get the better of him today when he started to attack the hon. Member for Pointe-a-Pierre. He talked about constitutional rights in which he is not really versed, but he tried. He is wrong, and I will show that in a short while. The fact that we had to get a specified majority in this Bill, if we were going to ban, must recognize that the existing dog owners who own dogs, who have existing rights, one could not take away those rights without a specified majority.

5.30 p.m.

Mr. Speaker, if a person owns property—and property involves a dog, a car, whatever one has in one's house: it has a very wide meaning under the Constitution—and the state is taking steps to compel neutering of that dog and to compel that one would have to do certain things with that dog over a period of time to get rid of the dog, that is affecting the enjoyment of property. That is why we had to go with a specified majority.

Coming back to the contributions of the hon. Members. The hon. Member for San Fernando West—as the hon. Member for St. Joseph said we sympathize with him, he did not know what the policy of the People's National Movement was. I could understand that, because he would have read this. The hon. Member for San

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Fernando West, obviously reading this, knows that this person is still the chairman of the party. If she were the chairman of the party, she would have had to be speaking with authority. She would have had to have the consent of the Leader of the Opposition. If you notice, the Leader of the Opposition is smart, he has left. He has gone, because he knows that the chairman had his authority to say this: that they believe in control by licence.

Do you think the Member for San Fernando West is going to sit here and defend that; to see that it is a different policy from the chairman's? This is the lady who, every Sunday, makes releases for the PNM. As a matter of fact she has more authority in the party than the hon. Members for Diego Martin West and Diego Martin East. She has the authority. She is the right-hand person of the Leader of the Opposition. When both Members get up and make their contribution, it does not have the force as the force of the chairman of the People's National Movement. [*Desk thumping*] The hon. Member for San Fernando West knows that. The Opposition put him to open this debate. The Member is such an honest and sincere person that he cannot hide his feelings. The Member knows that what the PNM had agreed to was licensing. They want to make the Member say that the policy now is banning. He could not say it convincingly. That is why he only said it at the beginning and at the end.

If you notice, Mr. Speaker, the Member is a very good lawyer. What he did; he went through the Bill clause by clause and dealt with the drafting and the technical stuff. The hon. Member for San Fernando West knows that on the second reading of a Bill, what we deal with is the policy. He knows that. But he had to make his contribution so he went through the Bill clause by clause. He dealt with the technical stuff and the drafting.

I would agree that there are certain aspects of the Bill—based on what they have said—we would take into consideration with the drafting persons and we will deal with that at the committee stage. But I am dealing with the policy matters, as the hon. Member for San Fernando West recognizes.

Mr. Speaker, the Opposition said: "If the day after we passed this legislation, something happens: if a child is killed by a dog, the Government will be blamed." Even if we had accepted the original legislation, that would have meant that we would have banned dogs coming in and banned breeding. But there still would have been a problem with the dogs which are here, and there could still be a situation where a dog could kill a person.

Mr. Hinds: But, of course, the hon. Attorney General recognizes by so doing he would have done his best and the country would have recognized that, the

Parliament would have recognized that he would have done all that is legally and practicably possible in the circumstances. That is the difference.

Hon. R. L. Maharaj: Mr. Speaker, all that I can say, is that if history records that after this Bill, any child is killed by a dog, the blood of that child is not on the Government, it is on the Opposition.

Hon. Members: How is it?

Hon. R. L. Maharaj: Because the Opposition, when they had an opportunity of supporting such a Bill, did not support it, they frustrated it. The Opposition said that they would not support it and it could not have been passed. *[Desk thumping]* The Opposition cannot come now and say: "Listen, do not bring this Bill, go back and draft another Bill and we will support it." When we come with that, it is something else again. If anything happens, it would not be our fault, it would be the fault of the Opposition. What we would say is this Government intends to try its best to put a regulatory framework which will prevent such things. We are saying if it fails we are coming back, and we are coming back with a total ban. If it means to come back in three months, we will be coming back in three months. If it means to come back in six months, we will be coming back in six months. But the Opposition should not say: "We would not support you" and when we bring something the Opposition says that they are not supporting us and they expect us to go back.

Mr. Speaker, the point has been made that dogs—we all recognize that under the PNM administration people were permitted to own snakes. There was no law implemented that people could not have snakes. A snake is a dangerous reptile.

Mrs. Persad Bissessar: They are minding them in the balisier.

Hon. R. L. Maharaj: If snakes escape, they could kill. Snakes do not have to escape to kill. Snakes could kill children if they go close to them. As a matter of fact, the snake in the balisier does kill too! Mr. Speaker, the fact that human beings kill, does not mean to say that human beings should be banned. Human beings kill. On the analogy of the Opposition: if one has an animal or any living thing that can be dangerous, ban it. That is not the philosophy because human beings also kill. A motor vehicle is a killer machine. We did not ban motor vehicles. What we had to do was look at the issue. *[Interruption]* As the hon. Minister of Education has said: electricity kills, ban electricity. That is not how we dealt with it. How the Opposition wants us to deal with it is: "Listen, anything that kills—ban."

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The way we dealt with it is that we came to this House, we said: “This is what happened in other countries, examine it and help us. We need your help, we have to make a decision. We want to protect the people of Trinidad and Tobago.” What did the Opposition do? They frustrated the Bill, they said that they were not voting for the Bill. The Government has come here again to help and the Opposition wants to frustrate us and not vote for the Bill. If the Opposition does not want to vote for the Bill do not vote for the Bill, but do not come here and “gallery” when the chairman of their party: the second person in the party—if I were the chairman of the PNM I would resign. Here it is that the parliamentary arm has come and disowned her, in the absence of the Leader of the Opposition.

This issue of dangerous dogs is not an easy topic. As a matter of fact, there is an article entitled: “*Dangerous Dogs*” by John Seerlander. According to him, in America, there was an announcement, there were ten sets of dogs which were dangerous: pit bulls, Rottweilers, Dobermans, chows, *et cetera*. They even had Dalmatian and showed that a Dalmatian is also a dangerous dog. In effect, what are we saying, should we also ban Dalmatians?

To say that this Bill is questionable and ineffectual is really not being accurate. I would accept, however that, yes, these are dangerous animals, they are superb killing machines, there can be no doubt about it. I conceded that when I opened this debate. I also said this is something which governments must take steps about. We are hoping that the regulatory framework would be such that would be able to prevent these attacks.

The point has been made about insurance: that they cannot compensate. We agree on that. But motor vehicles cause death and motor vehicles are insured and provide some sort of benefit to the family, if there is death; or to the injured person. The government is not saying that compensation would bring back the life or bring back the normal being who is injured. What the Government is saying is, there must be conditions for these people who want to own these dogs, for us to be assured that there will be sufficient protection for society.

5.40 p.m.

It is in this respect that the Minister of Local Government and his Ministry would be very important.

Mr. Sinanan: Sorry to break your stride. Could you, before you wind up, give some indication as to the time when these regulations would be put in place?

Hon. R. L. Maharaj: Okay. By the time the Bill reaches the other place, if it is passed in the Senate, those regulations would be ready. I am saying that if three

months have passed and there has been no improvement of the situation, the Government would come back and ensure that we go with a total ban, because we are very serious about this. This was the original policy of the Government; we cannot get away from that. We recognize that it is not easy. It may be that this is not the road to go. We are not God, but what we are saying: this is the best we can do in the circumstances at this time. We will go with this, and I am giving the assurance on behalf of the Government that if nothing seems to have improved in three months from the date of the implementation of the legislation, we will come back to Parliament and have it changed. Based on what you said, we should have no problem with the passage of the Bill.

Mr. Speaker, the point has been made that we do not know what is the policy of our Bill; but that is not correct. The policy of the original Bill is known and the policy of this Bill is also known. We are not banning the importation or the breeding of these dogs; we are regulating, as other countries have done. But we hope that the regulatory framework would be sufficiently in place in order to prevent some, or at least all, of these things.

I want to sound and emphasize at all times, we could have passed measures long before now if the Opposition had said that they were going to support this measure. Mr. Speaker, this Bill was on the parliamentary agenda for a whole session. If the Opposition was serious about the children, the old lady, the old man, the pensioner, and the people, they could have moved a motion or they could have made a statement. They could have got up and said something. They could have written us a letter telling us openly that, "You see that Bill, we are supporting that Bill". Hear what they said, "We have to tell you that?" They waited until now when this debate has already started to tell us. They knew we would rely on what they say about the PNM, because they have not denied it, and they have waited until this has happened, when the time has come for voting, and they are talking big talk, Mr. Speaker! They do not support this. They want a total ban. Why did they not say this all the time?

Mr. Speaker, the other point that had been made by the Member for Diego Martin West, which I have answered to some extent, is that there can be no doubt, it is well established, that if people own property and the Legislature attempts to take any action which can affect the enjoyment of that property, and even if that property is a dog, then it will amount to a contravention of that, it will be inconsistent and you need a specified majority. Mr. Speaker, it should be remembered that the right which is guaranteed in the Constitution is the right of an individual to the enjoyment of property, not the ownership, the enjoyment of

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property, which means the enjoyment of property rights and not to be deprived thereof, except by due process of law. So, if a law says that the state, without going to court, could neuter a dog, could kill a dog or put an end to the life of a dog in two or three years, that is affecting the enjoyment of property rights and that would need a specified majority. So if we have to come back to this House to ban the importation of dogs, we would need the support of the Opposition.

So, to put it in the way that a man does not have the right to property because he owns a dog which is a pit bull; that is not correct. He has the right to the enjoyment of property, it is an existing right and he has it.

Dr. Rowley: Is the Attorney General saying that all the things—if one looks at the customs arrangements, there are a number of items which cannot be imported into this country even though there are persons in this country who would like to have those things. When you say that a request to ban the importation of those dogs is a contravention of somebody's rights, am I understanding you correctly?

Hon. R. L. Maharaj: I am not saying a request to ban the importation of the dogs; no, no, no. I talked about the existing rights of owners of dogs. If a man owns a dog at the present time and you are passing a law which will affect the ownership of that dog, he has property rights in that dog. I made no mention about importation. Because you can always ban importation; nobody is denying that. But if you are passing a law which can affect existing property rights, ownership of what people have, that amounts to an infringement of constitutional rights. So the hon. Minister of Local Government was totally correct, because he was talking about rights of property in respect of dogs that are owned by people.

As a matter of fact, the example that the hon. Member for Diego Martin West gave was about a licence for a firearm. I agree with him. There is no enjoyment of property rights in a licence; a licence is a different thing. It is well known that even with a motor vehicle licence, if your licence is suspended, you cannot say that you are denied the enjoyment of property. As a matter of fact, that issue was tested by the court. If I do not have a licence for a car, but I own a car; or if I have a licence for a motor car which I own and the police suspends that licence, that does not mean the police could come and take my car, confiscate it, burn it and destroy it, because I have property rights to the motor car. Similarly, if I own a firearm and the police could even take it, it does not mean to say that the police can destroy it without paying me compensation.

Dr. Rowley: Thank you for giving way. That being the case, and these two points being now so clear, if we admit, as you have done, that the dogs are

dangerous and there is no infringement of property rights with the importation of dogs or semen, why then are we not now closing at least that opening?

Hon. R. L. Maharaj: Well, we put the Bill out for public comment, the PNM said we should not do this. Other people in the country said we should not do this. If we have to amend this now you have to have a whole constitutional amendment. Why did you not get up? Why did the hon. Member for Diego Martin West not get up and ask the Chairman of the PNM that?

So the fact of the matter is that this is the policy which has come after the PNM has influenced the policy. I am not too sure the hon. Member for Diego Martin West is speaking on behalf of the PNM. The Leader of the Opposition has not gotten up and said anything. Suppose I take his word and I come back with a Bill and they do not support it, what would be the position?

Dr. Rowley: Mr. Speaker, I give the Member the assurance that I am speaking here as the Member for Diego Martin West, so duly elected and authorized to speak here. The reason I am making the point about the importation of semen or the importation of blood stock is, that negative character of the dogs can be reinforced or strengthened by bringing into the country new dogs from outside and breeding with the population that we have here, and the dangerous character of the dog will only be reinforced. So if, in fact, we are serious about ameliorating the danger the dog poses; one thing we can do, even as we recognize all those rights, is to stop the importation of blood stock in any form which is likely to strengthen that negative aspect of the dog. That is what I am saying. So could you not do that?

Hon. R. L. Maharaj: Mr. Speaker, these things do not operate so *vaille-que-vaille*. The PNM had an opportunity to consider this Bill. The PNM has indicated what its position is. If we have to amend this Bill, we have to take it back, we have to draft it over, we have to amend it, and when we come back here, if his leader gets up and says he did not agree with the Member for Diego Martin West, the people would suffer. The Member for Diego Martin Central would not be able to say anything if the Leader of the Opposition says he cannot speak for the PNM. So I am playing for what I see.

Dr. Rowley: You playing!

Hon. R. L. Maharaj: Yes, I am playing, for what I see. What I see is that the PNM was playing games and they still want to play games, they want to try to mislead us. What they say is that they knew that the PNM opposed the Bill that we wanted, but the hon. Member for Diego Martin West, now comes here, and he

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wants to make himself look good, when his leader and the chairman of his party had already got up and said, "This is a Bill which we would not support."

The Leader of the Opposition was here this afternoon. This is an important matter. If he felt so strongly about it, he was here when the hon. Member for St. Joseph read what the chairman of the party said, but he did not get up and deny it. He did not get up and say, "That is not the view of the PNM". But the hon. Member for Diego Martin West does not speak on behalf of the PNM. They could only speak on behalf of their constituencies. The only person who could speak on behalf of the PNM is not here, and that is the Leader of the Opposition.

So Mr. Speaker, the hon. Member for Diego Martin West says that there was a lobby, and we must listen to lobby, but we must not be afraid to reject some of those lobbies because there are these powerful cliques in the country. This Government is on record as rejecting what powerful cliques have said. We brought a Constitutional (Amdt.) Bill here and the Opposition talked about it all over the country, top people in the country had said that we should not pass that Bill, that service commissions are untouchable, you cannot make them account. We listened to them, we were criticized, the Opposition supported them, but we went ahead with the policy that we had decided upon. If it were the PNM, they would have backed down. They would have withdrawn. This Government listens, but it considers and then it acts.

In respect of this measure, it listened to the population, it listened to PNM and it has come with this measure and we will amend the Bill at the committee stage, and there are certain matters for which we are going to move amendments. In relation to the legislative and regulatory frameworks, the Government will go ahead with the acknowledging and recognizing that if the legislative and regulatory frameworks do not work, even within three months, the Government will come back and we will ask the Opposition to show that they mean what they say sometimes. Thank you very much, Mr. Speaker.

I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 3 ordered to stand part of the Bill.

Clause 4

Question proposed, That clauses 4 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, can I move an amendment to clause 4, but I do not have it in writing, can I read it slowly so that I can state what the amendment is?

Mr. Chairman: Yes, okay.

Mr. Maharaj: To delete subclause (10) of clause 4 and substitute the following:

“With every licence granted under this Act, there shall be—

- (a) issued free of charge and delivered to the licensee or his agent, a metal label or other badge bearing a registration number in such form as may, from time to time, be prescribed by the Minister;
- (b) branded unto the inner ear of the dog, the Registration Number referred to in paragraph (a).”

Mr. Chairman: That is it?

Mr. Maharaj: Yes, Sir, thank you.

[Interruption] If one looks at the regulations in England and so forth, you cannot put all of that in the Bill. For example, in respect of the kind of fence that you will have to put in the yard, and the sort of base—all of which would be in the regulations. For example, it is envisaged that you would put a concrete base of a certain foundation.

Mr. Imbert: Mr. Chairman, I noticed in the original clause 11, the person has to have a label of badge securely affixed to the collar of the dog, what about if someone removes the brand?

Mr. Maharaj: Do you mean the brand on the ear?

Mr. Maharaj: Well, if someone removes the brand, it means that you would remove the ear or part of the ear.

Mr. Imbert: Whatever.

Mr. Maharaj: But there will be a record; there will be a description; there will be all sorts of things and probably other identifying marks.

Mr. Imbert: Would it be an offence if someone removes the brand? That is the point I am making. What about if someone is trying to conceal the identity of the dog by removing the brand?

Mr. Maharaj: Any one who contravenes the Act, it will be an offence.

Mr. Imbert: Initially, you were saying that the owner has to have a licence, and the licence must be on the dog; if the licence is not on the dog, it is an offence. Now you are saying that you are putting a brand, but suppose somebody removes the brand; cuts part of the ear that has the brand, is that an offence?

Mr. Maharaj: There is a section, I am told, which deals with anybody who contravenes the provisions of the Act. I will undertake to get that before we finish.

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

Mr. Lawrence Maharaj: Yes, in other words, to put a section if there is none to cover that. Could we proceed and come back to it?

Mr. Imbert: Allright.

Hon. Member: *[Inaudible]*

Mr. Maharaj: I was told that is how it is done in other countries.

Dr. Mohammed: Mr. Maharaj, I think we got to be careful with the use of the term “inner ear” because we could have two meanings.

Mr. Maharaj: Mr. Chairman, the hon. Member would speak to me about that afterwards, okay, but we have taken that from other legislation.

Mr. Chairman: Hon. Members, the question is, that clause 10 be deleted and there be put instead, “with every licence granted under this Act, there shall be:

- “(a) issued free of charge and delivered to the licensee or his agent, a metal label or other badge bearing a registration number in such form as may, from time to time, be prescribed by the Minister; and
- (b) branded unto the inner ear of the dog, the Registration Number referred to in paragraph (a).

Question put and agreed to.

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

Clause 5

Question proposed, That clause 5 ordered to stand part of the Bill.

Mr. Sinanan: Mr. Chairman, [*Inaudible*] yes, you can have the licence transferred but it goes on to say, “it shall register the dog in accordance with the Act,” could the Attorney General clarify whether a new fee would have to be paid or the same fee?

Mr. Maharaj: That is something that we could correct in the regulations.

Clause 5 ordered to stand part of the Bill.

6.05 p.m.

Clause 6 ordered to stand part of the Bill.

Clause 7.

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

Mr. Sinanan: [*Inaudible*]

Mr. Maharaj: It would be an offence. You are not taking away his property. He will be prosecuted and the Court would order it to be destroyed. The Court has that power, due process of law. [*Crosstalk*]

Question put and agreed to.

Clause 7 ordered to stand part of the Bill.

Clause 8 ordered to stand part of the Bill.

Clause 9.

Question proposed, That clause 9 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 9 be amended as follows:

- (i) Delete subclause (4) and substitute the following new subclause:
 - ‘(4) where the owner of a dangerous dog is convicted under subsection (3), the Court shall—
 - (a) make an order that the owner take out a policy of insurance required under this Act in respect of the dangerous dog within one month of the date of the conviction or such reasonable time as the Court thinks fit; and
 - (b) impound the dangerous dog during that period
- Subclause (5) (ii) In the last line, insert the words ‘keeping or’ between the word ‘the’ and the word ‘destruction’.

This was a point raised by the Opposition. The Court would make an order for impounding the dog during this period.

In the regulations it is envisaged that both the local authority and the police would be able to keep the dogs. Depending on the particular circumstances, mostly the local authorities would be able to keep the dogs, but there would be instances where the dog would have to be kept. Then if the Court orders a dog to be destroyed the regulations would, in effect, provide for that.

Dr. Rowley: Mr. Chairman, a point of clarification just to understand—having not seen the regulations—how the Attorney General is thinking. What if an owner is unwilling or unable to finance this policy?

Mr. Maharaj: He would not be able to own a dangerous dog, it would be an offence.

Dr. Rowley: So dogs that fall in that category would, evidently, fall to be destroyed.

Mr. Maharaj: Yes. If the owner does not have the insurance for the dog then the owner is keeping the dog illegally and the Court would have the power to deal with it.

Dr. Rowley: And the obvious treatment for that situation—

Mr. Maharaj: —would be to destroy the dog.

Dr. Rowley: In the period when the dog is being kept under item (b), impounding, who would be responsible for that impounding?

Mr. Maharaj: The cost would be the local authority but later on it shows that where any cost is involved in these matters the owner would have to pay.

Dr. Rowley: How would you proceed to recover that cost?

Mr. Maharaj: The Court would have the power to order those moneys to be paid. It is just like now—

Dr. Rowley: What I am seeing is a situation where a dog ends up in the pound—because we have had similar types of problems before in other legislation, a dog ends up being detained and then this kind of argument exists and the dog is in custody for a very long time running up significant costs, perhaps, sometimes breeding. We had a similar situation with some pigs in Arouca which were bred. The question is then, how does this thing end?

Mr. Maharaj: Well, the Court can make the order, the question is the enforcement. You can enforce it like any other debt. It may be as in subclause (5), which states:

“Where the owner fails to comply with the order made under subsection (4), the relevant local authority shall have the dog destroyed by a licensed veterinary surgeon, and the owner shall be liable for any expenses incurred in the destruction of the dog.”

Dr. Rowley: What I am getting at is the first part there where it says where the owner does not comply within a specified period of time. Because what happens is that the thing just lies in abeyance, it falls in the crack—

Mr. Maharaj: But the Court that would make the order says how much time the person has to pay. If the sum is not paid then the state can enforce it. If you take out a policy of insurance and you do not take it out within that period of time, the Court would order that the dog be destroyed, and if there are any expenses incurred in the destruction of the dog, the person would have to pay.

Dr. Rowley: Let us look at it this way: if the person does not or cannot pay, the dog is taken into custody and spends say two or three months and runs up a bill. Then the person says, “Okay, I will pay, here is my insurance policy, give me my dog.” But now he has a bill attached to him for the housing of the dog, how is that now going to be effected? He turns up at the point wherever it is and says, “Here is my policy, my dog can now be released to me because I am now not in breach,” but the dog in the interim, the keeping of that dog for two months or whatever—

Mr. Maharaj: I take your point. Those expenses should be paid by the person and should be in the form of an order made by the Court. If the person does not comply it should be enforced, because normally the Court says you pay or in default of paying, three or six months imprisonment. In taking your point, I think clause 5 should be amended to include “liable for any expenses incurred in the keeping or destruction of the dog.” [*Interruption*]

Impounding is limited; you could impound but you still have to keep, so it is the keeping of the dog.

Question put and agreed to.

Clause 9, as amended, ordered to stand part of the Bill.

Clauses 10 to 14 ordered to stand part of the Bill.

Clause 15.

Question proposed, That clause 15 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 15 be amended as follows:

“Delete subclause (2) and substitute the following new subclause:

“(2)A constable in charge of a dangerous dog during the course of duty shall not be required to have the dog muzzled in accordance with subsection (1)(a).”

Mr. Chairman, this amendment to clause 15 is to take in the point made by the hon. Member for San Fernando West. I think the section was drafted in a way in which a constable who is in charge of a dog and the dog escapes could be immune from liability, but that was not the intention. The intention was that a constable in charge of a dangerous dog during the course of duty shall not be required to have the dog muzzled in accordance with subsection 1(a), because if the dog is on duty he does not need to have it muzzled. I am asking that clause 15 be amended in terms of the circulated draft.

Question put and agreed to.

Mr. Imbert: Mr. Chairman, if a police constable has one of those dogs and it gets away and kills somebody, is he liable?

Mr. Maharaj: You cannot have an exception to that, because if an ordinary person has a dog and it gets away—and a policeman is trained, otherwise you can be faced with a challenge to the legislation of inequality of treatment. That is the point you made.

Mr. Imbert: If you will allow me; if we go back to clause 15(1)(b), under 15(2) you are saying that 15(1) does not apply to a constable, so a constable could abandon or allow a dog to stray in a public place?

Mr. Maharaj: No, that is not the intention.

Mr. Imbert: But that is what it means.

Mr. Maharaj: Did we not say to delete that.

Mr. Imbert: No, you are not deleting subclause (2), and 15(1)(b).

Mr. Maharaj: The amendment should read that we delete subclause—*[Interruption]*—they made an error. Mrs. Grant had it scratched out but she did not indicate it to me. We are deleting subclause (1)(b) and subclause (2).

Mr. Imbert: You do not want people to abandon these dogs, you want that to be an offence. Why do you want to take that out?

Mr. Maharaj: I think the Member is correct. In clause 15(1) it says:

“A person who owns or who for the time being is in charge of a dangerous dog shall not—

- (a) allow that dog to be in a public place unless the dog is muzzled and held on a lead;
- (b) abandon or allow that dog to stray in a public place.”

You cannot delete (b). So that your amendment to clause 15, “a constable in charge of a dangerous dog during the course of duty shall not be required to have the dog muzzled in accordance with (1)(a)”—but that is all; it is correct. I was so confident in the legal skill of the hon. Member for Diego Martin Central that I thought he had a point. [*Crosstalk*]

Question put and agreed to.

Clause 15, as amended, ordered to stand part of the Bill.

Clauses 16 to 19 ordered to stand part of the Bill.

6.20 p.m.

Clause 20.

Question proposed, That clause 20 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 20 becomes subclause (1) of clause 20 and add a new subclause (2) as follows:

“Notwithstanding subsection (1) a veterinary surgeon shall be liable for any damage caused by a dangerous dog in his charge.”

He does not have to have a licence to keep the dog professionally, but if the dog escapes he will be liable.

Mr. Sinanan: [*Inaudible*]

Mr. Maharaj: The owner of the dog would have insurance and the insurance policy in the regulation would have to cover all those eventualities.

Mr. Sinanan: [*Inaudible*]

Mr. Maharaj: Yes. We are coming to the regulation section. I think we should have the regulations laid. I will amend that.

Question put and agreed to.

Clause 20, as amended, ordered to stand part of the Bill.

Clauses 21 and 22 ordered to stand part of the Bill.

Clause 23.

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

Mr. Maharaj: Mr. Chairman, I wish to amend clause 23 by inserting a new subclause (2) as follows:

“Regulations made under subsection (1) shall be subject to a negative resolution of Parliament.”

I do not want it to be like the rules of the Supreme Court.

Question put and agreed to.

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

The Schedule.

Question proposed, That the Schedule stand part of the Bill.

Mr. Imbert: *[Inaudible]*...I think in the United Kingdom legislation, a vet is used to do that.

Mr. Maharaj: What would happen in these matters as you know, if you have to go with a prosecution you have to have your evidence and the court determines it.

Mr. Imbert: Are you going to leave it up to the court? Are you not going to put somebody like a veterinary surgeon or somebody like that? Look at the argument about forensic pathology.

Mr. Maharaj: Would that not be all covered in how you are going to implement the Act?

Mr. Imbert: If you say so.

Mr. Maharaj: These regulations in other countries are very extensive.

Question put and agreed to.

The Schedule ordered to stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I had promised the Member for Diego Martin East when we were dealing with clause 4—I understand he will be the new

Member of Parliament for Diego Martin Central—I had promised the acting Chief Whip that we would revisit clause 4 with your leave and the leave of the House.

Clause 4 recommitted.

Question again proposed, That clause 4 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, it is correct that we should put in a subclause to cover any contravention of that provision because it is not in the Bill. Therefore, I want to add a new subclause (13) to read as follows:

“A person who contravenes this section, removes or defaces the metal label, badge or branded registration number commits an offence and is liable upon summary conviction to a fine of fifty thousand dollars and to imprisonment for one year.”

Dr. Rowley: Hon. Attorney General, based on what Mr. Joseph said, I am thinking that the metal label normally attached to a leather collar wears, what if the collar has to be changed, or another dog bites off the collar as my dogs do?

Mr. Maharaj: This is the duty of the owner if it is going in a public place to have it, because if you remove it, if it wears, you keep it in your house, you cannot take it outside. If you have a dog and it falls under this Act and the collar wears off, you cannot take it outside.

Dr. Rowley: Suppose I remove an old collar and put a new collar what happens then?

Mr. Maharaj: If it is not the identification number, you would have committed an offence.

Dr. Rowley: The law says if you remove it from the collar, you are liable to a fine and jail. If I remove it from the collar with the intention of putting it on another collar—

Mr. Maharaj: It also says if you contravene the section. If one contravenes the section which requires one to have the correct number and so forth. If you remove the collar—

Dr. Rowley: So you can remove it without contravening it? Is that so?

Mr. Maharaj: No. If you either contravene the section, or you remove the collar or the brand, you would commit an offence.

Dr. Rowley: Help me here. If a person with all good intention tries to replace a collar, but on the old collar carries the metal badge.

Mr. Maharaj: He commits an offence. It is a thing of strict liability. He has to be careful.

Dr. Rowley: In other words, he has to get a new collar?

Mr. Maharaj: Yes.

Mr. Imbert: Suppose someone tampers with the badge?

Mr. Maharaj: If it is tampered with, you still have the identification number. The important thing is that you will be able to identify.

Dr. Rowley: What if he tampers with the number?

Mr. Maharaj: Then you contravene the section.

Mr. Imbert: ...that is really what I am getting at.

Mr. Maharaj: I will ask the draftsman. With your indulgence Mr. Chairman, I am advised that we would have to restructure this section to read:

“A person who contravenes this section, removes the brand or removes or defaces the metal label or badge commits an offence.”

Mr. Imbert: That is fine, but what about defacement of the brand?

Mr. Maharaj: Defacement of the brand?

Mr. Imbert: You talked about removing the brand. What I am saying is, suppose it has a unique identification number—

Mr. Maharaj: I did not think that you could deface the brand.

Mr. Imbert: Yes. Easy. That is a normal thing. In cattle rustling and so forth, that is what they do, they change the brand. That is the easiest thing to do.

Mr. Maharaj: If it is felt that one could deface the brand you can say:

“A person who contravenes this section, removes or defaces the brand, the metal label, or badge commits an offence and is liable on summary conviction to a fine of \$50,000 and to imprisonment for one year.”

Mr. Hinds: The dog grows, so you need to change the collar, have I committed an offence by removing the collar?

Mr. Maharaj: If it is in a public place.

Mr. Hinds: That is the point. When I am bathing the dog I may need to take it off.

Mr. Maharaj: Well you do that in a private place.

Mr. Hinds: The reason for identification is that when it is in public, one dog can be identified from the next. I do not know if you want to consider that, but more importantly, I want to suggest that we revisit clause 16.

Mr. Maharaj: Mr. Chairman, we should finish revisit clause 4 first.

Mr. Hinds: Should we not put in the words “in public”?

Mr. Maharaj: It is not necessary.

Question put and agreed to.

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

6.35 p.m.

Mr. Hinds: Mr. Chairman, yes, I am suggesting that we revisit clause 16 (1) in particular.

Question put and agreed to.

Clause 16 recommitted.

Mr. Hinds: One of the major problems with these dangerous dogs, is not only inciting them to attack other persons but to have them fight each other, and this is something that did not arise in the context of this debate. It may be that people use them—and it is very popular abroad—to game and fight each other to the death. I believe that a small amendment to this clause could deal in its entirety with that. I suggest we say: “A person who incites a dog, a dangerous dog that is, to attack another person or another dog...” That, I submit, will deal entirely—because the dog could attack another dangerous dog or a “pot-hound”—another dog—and that would have dealt, in my view, with that matter. *[Interruption]*

Mr. Maharaj: The whole purpose of the Bill is to protect human beings and if for example, I go with that suggestion, it would mean that if a dog attacks another dog, the fine would be \$25,000.00.

Mr. Hinds: I am saying two things. I am asking, is it that we are saying that this Parliament has no problem with someone inciting one pit bull to fight another to the death?

Mr. Maharaj: No, I did not say that.

Mr. Hinds: The next matter is.

Mr. Maharaj: I think the ordinary law could deal with that matter.

Mr. Hinds: Which law?

Mr. Maharaj: It would seem to me that on the plain law of negligence, if you want to file a claim you could file a claim. If a person does an act which is negligent, that could cause damage to another person he can file a civil claim.

Mr. Hinds: That is not the point.

Mr. Maharaj: Do you want to criminalize it?

Dr. Job: Mr. Chairman, I suspect that the intervention by the Member for Laventille East/Morvant is somewhat vitiated by his particular concern for dangerous dogs fighting dangerous dogs. If we do that we are imposing a condition of unfair and unequal treatment, with respect to “pot-hounds” and other dogs. *[Laughter] [Interruption]*. I do not know if we want to enter that terrain with this Bill, Sir.

Mr. Maharaj: Mr. Chairman, the Constitution protects the equal rights of human beings. It does not protect the equal rights of animals. *[Laughter]*

Mr. Hinds: I am asking the Government the question, now that we have briefly contemplated it, are we saying that we in Trinidad and Tobago do not have a problem with people training pit bulls to fight each other to the death? That is what I am asking.

Mr. Maharaj: Mr. Chairman, what I am saying is, I do not think that measure could be included in this Bill, but out of deference to the well-considered point made by the hon. Member, I give him the undertaking that I will give consideration to it and in the other place, if I can decide that.

Mr. Hinds: Much obliged.

Mr. Maharaj: I am sure that it is well-considered and I will consider it. Mr. Chairman, may I express thanks to—sorry.

Mr. Imbert: The use of a dangerous dog in a private or public place it seems to be all-embracing. The question of having the badge and so forth. It says “at all times”. I do not know if this thing has been changed. The clause is changed but the original clause says that the metal label or badge has to be at all times securely affixed to the collar worn by the dog. If, as the case the Member is mentioning, the dog is in a private place and you are cleaning the dog or something like that, you may want to take off the collar. Would you be in breach?

Mr. Maharaj: Well that is what I mean. If you are in a private house and you take off the collar I cannot see that being in breach. You are in a private house. I think with this legislation, the sensible interpretation would be because you can have it in your private place and take it off for about an hour, and someone can come in the yard and the dog can bite that person. I think you will want to cover that kind of situation because the “place” is defined as not only a public place, but any place which the public would have access to. If we go to make that exception we would have to put a time frame either for five or ten minutes and during that time all sorts of things could happen.

Mr. Chairman, may I express thanks to the Opposition Members for the contributions which they have made because we have been able to, in respect of the amendments, benefit tremendously from those views. It could be seen that we have given recognition to it in that we have accepted some of those amendments.

Clause 16 ordered to stand part of the Bill.

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

House resumed.

Bill reported, with amendment, read the third time and passed.

ADJOURNMENT

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that this House do now adjourn to Monday, November 15, 1999 at 10.30 a.m. We had said 10.00 a.m. but we put 10.30 a.m. I indicated to the Opposition Chief Whip this afternoon before we came to Parliament, that there are three Bills which we are going to debate on Monday. We hope to have them debated.

Mr. Speaker, we are looking to see whether we could do what has been done in the Senate, that the three Bills could be debated together. We are exploring that possibility and they are three Bills which are connected. They are Nos. 9, 10 and 11 on the Order Paper: a Bill to provide for the adjudication of rights and interests in land and for purposes connected therewith or incidental thereto; a Bill to establish a Land Tribunal to hear and determine appeals from any decision made in the course of the Land Adjudication process, and from the decision of any other body relating to the use and enjoyment of land, the division, the development and the compulsory acquisition of land, and for matters connected therewith and incidental thereto; and a Bill to provide for a register of land titles, and to provide for the registration of estates and interests in land, in that register.

Adjournment

[HON. R. L. MAHARAJ]

Friday, November 12, 1999

Mr. Speaker, I also indicated to the Opposition Chief Whip that we are hoping that on Monday, November 15, 1999 we would complete those measures. If we do not, we will continue on Thursday, November 18, 1999, starting around the same time. On Thursday, November 18, 1999, we would continue with the measures if they are not completed. The next Bill we will go on to do will be the Occupational Safety and Health (No. 2) Bill, 1999.

6.45 p.m.

I also indicated to him, Mr. Speaker, that packaged with the racing package, that is Bills Numbers 3, 4, 5 and 6, are a Bill entitled, “An Act to amend the Gambling and Betting Act, Chap. 11:19”; a Bill entitled, “An Act to amend the Trinidad and Tobago Racing Authority Act, Chap. 21:50”; a Bill entitled, “An Act to amend the Betting Levy Board Act No. 35 of 1989”; a Bill entitled, “An Act to provide for the establishment and operation of the National Racing Commission and for matters connected therewith”. These would be the other Bills we hope to do on Friday. If not, we will do them on the next day. *[Interruption]* Well, we said the Occupational Safety and Health Bill on Thursday, and Friday we—Friday is what date?

Hon. Member: The 19th.

Hon. R. L. Maharaj: Friday 19, 1999 would be the Gambling—do you want me to repeat it? They are a Bill entitled, “An Act to Amend the Gambling and Betting Act, Chap. 11:19, and for matters connected therewith”; a Bill entitled, “An Act to amend the Trinidad and Tobago Racing Authority Act, Chap. 21:50”; a Bill entitled, “An Act to amend the Betting Levy Board Act No. 35 of 1989”; a Bill entitled, “An Act to provide for the establishment and operation of the National Racing Commission and for matters connected therewith”. Mr. Speaker, we hope to be able to finish those Bills on Friday. If we do not, we will continue on the Monday. I indicated to the Opposition Chief Whip that if we are not finished with those I will indicate to him by Thursday what other Bills we will do in the following week.

With respect to the Motions on the Adjournment, we have agreed, by consent, that the motions will not be heard today.

Mrs. K. Persad-Bissessar: We have agreed for Thursday.

Hon. R. L. Maharaj: Sorry, I understand that there has been agreement for Thursday in respect of the motion to be responded to by the Minister of Education, and the other two motions will be dealt with on Monday.

Dangerous Dogs (No. 2) Bill

Friday, November 12, 1999

Mr. Speaker: It is therefore agreed that the matters which are raised under the “Motion for the Adjournment”, the one from the Member for Arouca North, will be done on Thursday, and the other two which had been filed by the Member for Tunapuna will be done on the Monday, not the Friday.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 6.49 p.m.