

THE
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OFFICIAL REPORT

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HOUSE OF REPRESENTATIVES

Friday, April 7, 2000

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I have received communication from three Members of the House who have asked to be excused from the sitting. The leave of absence which they seek is granted and these three Members are: the Member for Port of Spain North/St. Ann's West, who has asked to be excused up to today; the Member for San Fernando West, who has asked to be excused up to April 30, 2000; and the Member for Siparia who has asked to be excused up to April 14, 2000. As I say, the leave of absence which they have sought, is granted.

PAPERS LAID

1. Report of the Auditor General on the accounts and financial statements of the Basic Education Project of the Ministry of Education for the financial year ended September 30, 1999. [*The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj)*].

To be referred to the Public Accounts Committee.

2. Annual report and annual audited statement of accounts of the Central Bank of Trinidad and Tobago for the year ended September 30, 1999. [*Hon. R. L. Maharaj*]

PRAEDIAL LARCENY PREVENTION (AMDT.) BILL

Bill to amend the Praedial Larceny Prevention Act [*The Minister of Agriculture, Land and Marine Resources*] read the first time.

SUMMARY OFFENCES (AMDT.) BILL

Bill to amend the Summary Offences Act [*The Minister of Agriculture, Land and Marine Resources*] read the first time.

REGIONAL HEALTH AUTHORITIES (AMDT.) (NO. 2) BILL

Bill to amend the Regional Health Authorities Act [*The Minister of Health*] read the first time.

ARRANGEMENT OF BUSINESS

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, on the last occasion, there was the committee stage of the Minimum Wages (Amdt.) Bill. Perhaps, we should continue and complete it, so I move that we resume that matter this afternoon.

Agreed to.

Mr. Speaker: I think we are getting a little too much noise. It is coming across too loudly at this end. Could we just keep it a little softer please? Well, the House shall now go back into committee on the Minimum Wages (Amdt.) Bill.

MINIMUM WAGES (AMDT.) BILL

[SECOND DAY]

The committee of the whole House resumed its deliberations on the bill.

[Chairman: Mr. Hector Mc Clean]

Clause 6 (cont'd.)

Mr. Chairman: Hon. Members, some amendments to the Minimum Wages Act will be circulated. [*Interruption*] If you recall, the two clauses which we are still dealing with, would be clauses 6 and 10. Is that correct?

Mr. Maharaj: Yes.

Mr. Chairman: Hon. Members, proposed amendments to clauses 6 and 10 are now being circulated.

Mr. Maharaj: Mr. Chairman, if I may just bring Members up-to-date.

Mr. Chairman: The amendments are still being circulated.

Mr. Maharaj: Mr. Chairman, if I could bring Members up-to-date, on the last occasion when we were dealing with the committee stage of this Bill, the Opposition had proposed that we put some sort of safeguards in clause 6, so that these matters will be determined on a quicker basis. At that stage, we decided that we were going to get some time to have it drafted and that is why we adjourned on the last occasion. I think it is now circulated so probably we could go through it a bit and see.

- “(1) Matters under this Act which fall to be heard and determined by the Industrial Court shall, once hearing has commenced, be heard from day to day, as far as possible, until hearing is completed.
- (2) Judgement in a matter referred to in this Act shall be delivered not later than six weeks from the date of completion of the hearing save that in exceptional circumstances judgement shall be delivered not later than twoweeks...”

I notice the confusion has started as soon as the Prime Minister walked in today. *[Laughter]* Election is in the air.

“...after the end of the six week period referred to and reasons for the delay shall be indicated in the judgement.”

“(3) Where the Court fails to deliver its judgment within the two-week period referred to in subsection (2), it shall state in open court the reasons for the delay and if such delay continues the court shall at further one week intervals state the reasons for the continued delay until judgment is delivered.”

1.40 p.m.

I am being advised by the Ministry of Labour and Co-operatives, and I actually saw it, that there is precedent for this in section 13 of the Industrial Relations Act. In respect of other matters relating to essential services, that this is what is done. That is what we have drafted. I do not know what is your position. Obviously if they do not do it, there is nothing you could do. It is just to make it, so that they would have to come back and say exactly why they are not giving their reasons.

Mr. Panday: Maybe you think they should be disciplined.

Mrs. Robinson-Regis: Mr. Chairman, I think that comment was probably made off the record, so I would not respond to the Member for Couva North. First of all, the Attorney General has indicated that even if the request is made for the reasons for the delay to be stated in open court, there is nothing, really, that can be done if there is a delay but I am not sure that this is exactly what was envisaged when we, on this side, indicated that we wanted an assurance that matters would be handled expeditiously.

Mr. Maharaj: You wanted an amendment.

Mrs. Robinson-Regis: Yes, we did want an amendment—*[Interruption]*

Mr. Maharaj: But you wanted to put a time frame.

Mrs. Robinson-Regis: Yes. I think it goes into a lot more than we had anticipated on this side. I cannot say that I have looked at the Industrial Relations legislation which talks about the essential services, so that I am not familiar with the particular section in that piece of legislation.

Mr. Maharaj: It is section 13 of the Industrial Relations Act. Would you like me to read it?

Mrs. Robinson-Regis: Thank you, I would appreciate that.

Mr. Maharaj: Section 13 states:

- “(2) Matters which fall to be heard and determined by the Essential Services division shall, once hearing has commenced, be heard from day to day, as far as possible, until hearing is completed.
- (3) Judgment in a matter referred to in subsection (2) shall be delivered not later than thirty days from the date of completion of the hearing save in exceptional circumstances when judgement shall be delivered not later than twenty-one days after the end of the thirty-day period referred to herein in which case the nature of the exceptional circumstances which gave rise to the delay shall be indicated in the judgment.”

What we have done here, we have put that and we have improved it and we have said that, in effect one does not wait to say in the judgment—because that is why you have three, four, five, six, ten or fifteen years—but if you cannot give it, you come, first at a two-week interval and then at a one-week interval and say. That is to produce the accountability, but the concept is already the same.

Mrs. Robinson-Regis: But what we are fearing is that whether this is a backdoor mechanism for getting some of the concerns that have been raised in the wider court system placed into legislation, because it is not the same as what is in that particular section of the Industrial Relations Act.

Mr. Maharaj: Like what?

Mrs. Robinson-Regis: I know that the Attorney General has said that it is an improvement, but we recall that the minister indicated that at this time there are enough judges in the Industrial Court to avoid delays of this nature. I think that is what the minister had indicated in his contribution. I know that we wanted some assurance that delays would be avoided.

Mr. Maharaj: I think how this arose is that the Minister said that there was a great improvement; from 15 years’ delay, since he has taken steps, and now the delay has been reduced to about two and one half years in matters, on average. But it was felt, not only by us but by the Opposition, that this is still too long. The Minister also said that in these matters, from what he sees, the average period is normally about eight, nine, ten months or even a year. Based on what was said, the Opposition said that this is too long and that something must be done in order to put a time frame.

Mrs. Robinson-Regis: Yes.

Mr. Maharaj: It was suggested that we could even consider a three-months' time frame. What we have done here, we have looked at what is already in the Industrial Relations Act with respect to essential services matters and we believe that if these are matters relating to the minimum wage, they could probably be categorized as very important to workers and we have put it in this way. If it is that the Opposition feels that this is not good enough, I wonder if the Opposition could suggest to us—in order to protect the employee, in order to ensure that there is something here to give him a quicker judgment—what do we put in the amendment?

Mr. Narine: What has been said in the debate on clause 6 was that there were long delays at the Industrial Court. According to the Attorney General, the Minister responded by saying that there were 16 judges and there were no long lapses that should take place, and he has information coming from the court that they can deal with these matters expeditiously. What I am seeing here in clause 22D is:

“...once hearing has commenced.”

If the matter reaches the Industrial Court and the matter did not start within two years, then we would still have that delay. The point that we were making is that according to the Act, the worker was not to be victimized, he was supposed to have stayed on the job, which would have put him or her under a lot of stress because he or she should have had the opportunity to get some compensation and find other employment. This came out in the debate.

Mr. Maharaj: But we have done that clause 10.

Mr. Narine: What is disturbing here is that:

“...once hearing has commenced.”

What about the delay between the commencement of the hearing and the report of the matter to the Ministry of Labour and Co-operatives? This is what concerns me.

Mr. Maharaj: Mr. Chairman, I want to tell the Opposition that they are pushing on an open door. If the Opposition wants to put a time frame for the matters to commence hearing, we will support them. The Opposition has come with the proposal, is their suggestion that this time frame should be extended in respect of these matters. We adjourned, we got the people to draft it, we have

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brought it back. If the Opposition wants to improve it further and put a time frame that these matters should be commenced within six weeks, I will support you, the Government will support it. What period of time does the Opposition want it to be commenced? Is it six weeks?

Mr. Narine: I will say so. Once it leaves the Ministry of Labour and Co-operatives and it reaches the Industrial Court, the matter should commence within six weeks.

Mr. Maharaj: Commence for hearing within six weeks?

Mr. Narine: Yes. I will accept that.

1.50 p.m.

Mr. Maharaj: Mr. Chairman, with the able assistance of the Chief Parliamentary Counsel Department, I have been able to come up with a draft immediately: "Matters under this Act which fall to be heard and determined by the Industrial Court shall" and to insert after the word "shall" "be heard within six weeks of the referral to the court and". After the word "and" we continue with what you had there before: "once hearing has commenced be heard from day-to-day as far as possible until hearing is completed". Then the rest follows. Are you happy?

Mrs. Robinson-Regis: Mr. Chairman, we agree with 22D(1), but we would like to record our disagreement with the formulation of 22D(2) and (3).

Mr. Maharaj: Do you have any suggestions?

Mrs. Robinson-Regis: Unfortunately, Mr. Chairman, having just received the amendment, we do not have a suggestion and we do not have Chief Parliamentary Counsel's advice on this side.

Mr. Panday: Let them go across.

Mrs. Robinson-Regis: Those of us who did law in the West Indies did have—*[Interruption]*

Mr. Maharaj: Would you like assistance to draft what you want to put forward? I could ask the Chief Parliamentary Counsel.

Mrs. Robinson-Regis: As a matter of fact, Mr. Chairman, we would really want 22D(2) and (3) deleted.

Mr. Maharaj: Deleted? So that is the proposal of the Opposition?

Mrs. Robinson-Regis: Yes, it is.

Mr. Maharaj: The proposal of the Opposition is that the hearing shall be commenced within six weeks, but there should be no time frame for the completion of the hearing of the matters. So even if the court starts hearing the matters—*[Interruption]*

Mrs. Robinson-Regis: Mr. Chairman, let me be more specific.

“Judgment in a matter referred to in this Act shall be delivered not later than six weeks from the date of completion of the hearing, save that in exceptional circumstances judgment shall be delivered not later than two weeks after the end of the six-week period.”

We are asking for both 22D(2) and (3) to be deleted.

Mr. Maharaj: In fairness to the Member, I ask her to consider again whether she really means that. If it be necessary that they sit in caucus a while to consider the matter, the Government is prepared to do that, because it makes what you are doing inconsistent with what the Opposition proposed in 22D(1). In the light of what you have asked, 22D(2) is already in the Essential Services Act in respect of those matters. I just wanted to be fair in the light of the point that Mr. Valley had made on the last occasion, because it is in the *Hansard* that the Opposition wanted a timeframe, so I do not know whether you would want to go ahead or if you want some time.

Mrs. Robinson-Regis: Mr. Chairman, if the Attorney General is being so gracious as to give us time, having just received this amendment, we would be willing to take the time.

Mr. Maharaj: Do you want a few minutes, 15 or 20 minutes? *[Interruption]*

Mrs. Robinson-Regis: Thank you, half an hour. *[Crosstalk]*

Mr. Panday: I did not realize everybody was going into caucus.

Mrs. Robinson-Regis: I do not think that the House can proceed with just your side, although I am sure you would enjoy that.

Mr. Panday: So the whole side is going into caucus?

Mrs. Robinson-Regis: All of us on this side; except your Members.

Mr. Panday: Sorry, I thought only the legal minds were going; my humble pardon.

Mr. Maharaj: Mr. Chairman, I am so happy that we can facilitate the Opposition having a caucus.

Mrs. Robinson-Regis: We are so happy that you are willing to facilitate us Mr. Attorney General. Thank you. [*Crosstalk*]

Mr. Chairman: Hon. Members, I take it that there is agreement on both sides that the committee stage should be suspended for a 30-minute period so that there could be reflection on the matter being discussed and in the hope that good sense would prevail at the end of the deliberations. In the circumstances, the committee stage of this matter will be suspended for 30 minutes. We will return here in 30 minutes' time.

1.56 p.m.: *Sitting suspended.*

2.33 p.m.: *Sitting resumed.*

Mr. Chairman: Hon. Members, the committee stage had resumed and we were looking at clause 6 of the suggested amendments and there was discussion with respect to whether the Opposition felt that clause 6(2) and (3) should be deleted and there was to be consideration of that.

The floor is yours.

Mrs. Robinson-Regis: Mr. Chairman, we have had an opportunity to examine the proposed amendments, additionally, we examined what was said last week in the committee stage of the debate and we have also looked at section 13 of the current Industrial Relations Act, and in light of that, we have decided that we would agree with the amendments proposed.

However, once these amendments are made, we would suggest that 22D (3) be re-examined in terms of an amendment because there maybe a delay at that stage, because once the matter is reported to the Minister, he may, where appropriate, treat the matter as a trade dispute, or send it directly to the court. We are wondering if there may be a delay at that stage in terms of getting the matter out of the Minister's jurisdiction and into the court. There is a timeframe there in terms of 22D, perhaps the Minister may need a timeframe in terms of getting the matter to the Industrial Court in order to ensure that there is no delay.

When the Minister spoke on the last occasion, he talked about not wanting to delay these matters at all and we reiterated that given the fact that it is a matter dealing with persons who are receiving a minimum wage, the objective was to handle these matters as expeditiously as possible.

Mr. Maharaj: If you look at the amendment we already did in 22D(3), upon such matter being reported to the Minister and where a breach of the provision of the Act is identified, the Minister shall deem the report to be made pursuant to section 51 of the Industrial Relations Act and the report shall be treated in accordance with the provisions of Part V of the Act.

I am told—I am not very well versed in industrial relations practice, I think the Member for Couva North is very experienced—that in section 55(1) of the Industrial Relations Act there is a procedure which says:

“The Minister shall as soon as possible after a trade dispute has been reported or deemed to have been reported to him take such steps as he may consider advisable to secure within fourteen days next after the date of the report, a settlement of the dispute by means of conciliation.”

So there is a procedure which has been set up, but I take your point that we can still look at it afterwards and see whether it can be improved.

Mrs. Robinson-Regis: Thank you very much, we would appreciate that. So that the delay is minimized as much as possible.

Mr. Maharaj: Mr. Chairman, we thank the Opposition very much. I am very happy to know that the time which we all spent together, I am sure, although you were not physically there, you were in spirit with us also so that we were able to sort out this problem.

Mrs. Robinson-Regis: Mr. Chairman, just to put on the record that our spirit never travels across to that side of the House at all. *[Laughter]*

Mr. Maharaj: Mr. Chairman, I beg to move that clause 6 be amended as circulated in addition to the amendment made orally to 22D(1) which reads:

“22D.(1) Matters under this Act which fall to be heard and determined by the Industrial Court shall be heard within six weeks of being referred to the court once hearing has commenced,':

2 Judgment in a matter referred to in this Act shall be delivered not later than six weeks from the date of completion of the hearing save that in exceptional circumstances judgement shall be delivered not later than two weeks after the end of the six week period referred to and reasons for the delay shall be indicated in the judgment.

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3. Where the Court fails to deliver its judgment within the two-week period referred to in subsection (2), it shall state in open court the reasons for the delay and if such delay continues the court shall at further one week intervals state the reasons for the continued delay until judgment is delivered.

Question put and agreed to.

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

Clause 10.

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

Mr. Maharaj: Mr. Chairman, I beg to move that clause 10 be amended as circulated.

“Delete after the word ‘dollars’ in section 26(2) the following words ‘and the Court may order the employer to pay compensation to the workers’ and insert a full stop.

Insert after subsection (2) the following new subsection:

26(3) The Court shall, in the determination of a matter referred to in this Act, exercise its power and jurisdiction under sections 10 and 11 of the Industrial Relations Act.”

If I may again refresh Members memory of this matter, the Opposition, through the Member for Diego Martin Central had indicated that the Government should consider whether with respect to breaches by employers of these provisions that the court should not, in addition to having the power of compensation, should also, depending on the circumstances of the case be able with the workers consent treat the employment as at an end because it would be very difficult for the worker sometimes to go back to that environment. The Government considered it and the Minister of Labour and Co-operatives met with his people and we decided that we would go with it. That is what clause 10 is amended to reflect.

Question put and agreed to.

Clause 10, as amended, ordered to stand part of the Bill.

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

House resumed.

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

**MAINTENANCE ORDERS
(FACILITIES FOR ENFORCEMENT) BILL**

Order for second reading read.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move,

That a Bill to consolidate and revise the law and to make new provisions to facilitate the enforcement of maintenance orders abroad be now read a second time.

Mr. Speaker, this Bill is to prevent husbands particularly, from avoiding their responsibility in providing maintenance for their wives and children by leaving the jurisdiction and moving their assets out of the jurisdiction of Trinidad and Tobago.

2.45 p.m.

Mr. Speaker, for many years the phenomenon of travel, coupled with the breakdown of families—whether the result of worldwide phenomena such as war-time activity or other social phenomena—has led to the increasing incidence of dependants who have been abandoned by men or women, who have been adjudged to have legal responsibility for their upkeep and maintenance. These phenomena have, in turn, led to an increasing demand for the international enforcement of maintenance orders.

In 1920, against the background of World War 1, the United Kingdom responded to the phenomenon of war-time babies, and the many women and children, both from that country and from the then colonies, who were left destitute by this phenomenon, with the introduction of the Maintenance Orders Enforcement Act 1920, were able to get some relief.

Many of the then colonies, including Trinidad and Tobago, enacted domestic legislation, modelled along the lines of the 1920 United Kingdom legislation. The majority of the Commonwealth jurisdictions also modelled their legislation along similar lines. In 1956, due to the experience of many countries with the 1920 model, coupled with the international discussion on the issue, the international community developed a set of international principles which were agreed to and adopted by most of the then Commonwealth countries, including Trinidad and Tobago. These principles became embodied in the United Nations Convention on the recovery abroad of maintenance, to which Trinidad and Tobago became a signatory.

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Mr. Speaker, in 1972, the United Kingdom, in conformity with the contents of that Convention, updated its old laws and passed the Maintenance Orders Reciprocal Enforcement Act of 1972, based on the 1956 Convention. Unfortunately, we in Trinidad and Tobago still operate under the 1920 legislation. That legislation has not only become archaic but has become outmoded, in the sense that it does not really deal with present-day circumstances.

Mr. Speaker, in 1973, the European principles, on the issue, were recorded, in the form of the Hague Convention. In Trinidad and Tobago, the existing law is contained in the Maintenance Orders and Enforcement Act, Chap. 45:53, which was enacted in 1920 based, as I said, on the 1920 legislation. Thus, there is an urgent need to update and revise the law in the light of the international developments, the increasing problems in the enforcement caused by patterns of migration; and the limited resources available to today's nationals wishing to pursue defendants in maintenance proceedings across national boundaries, and who may be intent on evading their financial responsibilities. The increasing burden placed on the resources of the state, as well as the meagre resources of the many plaintiffs in these matters, no doubt, warrants an urgent response.

In order to, probably, illustrate the kinds of difficulties that are faced by wives in particular, who, either live abroad to enforce orders made in Trinidad and Tobago, or in respect of wives who live in Trinidad and Tobago and the husbands have gone abroad—before I give the facts in relation to some matters (I would not read from the document) I would just like to explain what happens now under the existing law. Mr. Speaker, where a maintenance order is made against a husband, who left the jurisdiction of Trinidad and Tobago for a foreign country where he now resides, the local court, on proof of such residence, would be empowered to send a copy of that order to the country of residence, for the registration and enforcement of that judgment. But it has to be a country which falls under the 1920 legislation, which would be a Commonwealth country in which there have been reciprocal arrangements.

Under this law, if, for example, it is not a Commonwealth country: let us say that the husband has gone to the United States of America and the wife is in Trinidad and Tobago, because this Act does not cover that situation, that judgment which is registered, would not be able to be enforced in the United States of America. So that there are situations where husbands have left their wives—in cases which there have been orders made for maintenance of children—and gone to the United States of America and although the courts have made these orders, even if the orders are sent to the United States of America, they cannot be enforced against the husband.

That is, where you already have an order. But under the present law, in respect of Commonwealth countries, where a maintenance order against a defendant, who was not within the jurisdiction of Trinidad and Tobago—if an application is made—the court is given power, if it is shown that this person is residing abroad, to make what is called a provisional order in favour of the person applying—which could be the wife—for maintenance. The provisional order can then be sent to the foreign court and the foreign court can confirm that order which can become enforceable in that country. That is only limited to a Commonwealth country in which there has been an arrangement under the existing law. So it does not apply to countries other than Commonwealth countries.

Mr. Speaker, I do not want to call the name of the lady who has written but I want to use the facts of the matter. This gives you an idea of the suffering. “I am a Trinidadian mother now residing in Florida. On October 24, 1995, I was awarded full custody of my son Corrie, as well as maintenance payment. However, once moved to Florida with my husband and my son, my son’s father refuses to pay me any child support.” The lady contacted the Department of Revenue Child Support Enforcement Programme but they could not enforce the order. So that there is a situation where the court has made an order in Trinidad and Tobago and because of the migration you do not have the enforcement of the order.

What has happened is that on the international scene we have been having international conventions to encourage countries to go along with passing legislation in order to give effect to these conventions.

2.55 p.m.

Mr. Speaker, what has happened is that in this area for some reason—whatever the reasons are—this has not come forward. What this Bill really does, therefore, is that it gives effect to the international desire that there should be domestic legal framework in countries to be part of the international machinery to ensure that husbands can run away from their wives and from their obligations, but they cannot hide. Even if they reside abroad—if they take their assets abroad—the orders for maintenance would be fully enforced.

What I would like to do is to show that in relation to this matter, the Bill which is before us, is really not only to improve and extend the kinds of orders which can be enforced abroad, but it is also to widen the ambit in order to make it possible for these orders to be enforced in non-Commonwealth countries.

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The aim of the Bill before the Parliament is to enact legislation which is consistent with the 1972 United Kingdom law, as well as, to ensure an adequate system of local enforcement of maintenance orders and to ensure that these orders where they are made even elsewhere, can be enforced. In turn, the aim of the Bill is also to ensure that where there are parallel systems, there is reciprocal enforcement of orders made in Trinidad and Tobago. This will not only be in keeping with the present migratory trends, but will enable this country to grant reciprocal treatment to nationals of other countries; thereby meeting our obligations under the United Nations Convention to which this country is a signatory.

Mr. Speaker, we will introduce the necessary administrative and legal machinery using the resources of the state to ensure the transmission of documents and other evidentiary material, and the collection of maintenance payments on behalf of those seeking to have made or enforced orders against persons whose whereabouts can be ascertained. So under this Bill, the state would, in effect, as an institution, be assisting in trying to get these payments. One would see under the Bill that there is an obligation of the state—in one case the office of the Attorney General, and in other cases—in order to transmit these orders which are made and in order to take steps to assist in getting the orders enforced.

Mr. Speaker, so that quite apart from the legislative machinery, you will have a situation that because of the commitment given in the Bill—if it is passed, it has been passed in the other place—that what would happen is that the state would administratively have to be able to set up mechanisms in order to assist in the implementation of the law.

I am sure that the Minister of Foreign Affairs, who has been monitoring these matters, would obviously take the steps in the important missions abroad—in which you have had areas where you have had a lot of migration from Trinidad and Tobago—to set up within those missions, particular units to assist the family in enforcing these matters.

Mr. Speaker, as I talk about the Ministry of Foreign Affairs, I want to say, that in order to show the commitment of this Government to protect the rights of children, it was only yesterday or the day before, Cabinet was approached by the Minister of Foreign Affairs, and Cabinet agreed on his recommendations for this country to accede to the Hague Convention on the Civil Aspects of International Child Abduction. That is a convention which has been in existence for some time and that convention deals with the question of trying to prevent parents from kidnapping children; abducting them; taking them to another jurisdiction; and defeating the rights of the mother.

Under that convention, countries which have gone along with that convention, it would mean that the countries would have to return the child to the jurisdiction from which the child was taken. It all falls into play in this Government trying to put the necessary legal framework in place, to ensure that the law is not flouted by a heavy hand—by the person who has the heavier hand—in taking children out of the jurisdiction and defeating the rights of the poor mother; also in avoiding the jurisdiction by taking the assets and denying the wife from receiving maintenance payments.

Mr. Speaker, since the Hague Convention on the Civil Aspects of International Child Abduction is in some way related to what we are talking about, I think it is my duty to just put on the record what this Hague Convention on Child Abduction is about. Firstly, it seeks to secure the prompt return of children wrongfully removed to or retained in any contracting state. Secondly, it ensures that rights of custody and of access under the law of one contracting state are effectively respected in other contracting states. So, it therefore means that all the countries that have acceded to this convention, the parents would not be able to flout the law or defeat the rights of the mother, or the other party to the marriage, in taking children out of the jurisdiction. This is all part and parcel of a recognition, which the international community has developed over the years, that you cannot defeat the rights of parties and even defeat the rights of states by just leaving the jurisdiction or taking your assets away from the jurisdiction.

Mr. Speaker, coming back to the particular measure which is before us, as I was saying, the main problems with the existing Act is, as I said, it is archaic; it extends to a limited number of countries which are not representatives of modern day migratory trends, and does not apply to countries outside of the Commonwealth. Under the existing laws, you could only enforce payment of maintenance orders and it does not include lump sum payments. The existing law is silent, even as it is, as to whether arrears of maintenance are recoverable; and it is silent on the power of the court to vary or rescind registered orders. So even if orders have been made and they have turned out to be not adequate, the existing law is silent on those matters.

Mr. Speaker, how can these problems be addressed in the proposed Bill? First by clause 34 of the Bill, the Government has decided to repeal the existing law, so the existing law would come to an end. On the other point, the existing law extends to a limited number of countries and it is not representative of modern day migratory trends and it is not applicable to countries outside the Commonwealth.

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Mr. Speaker, let me explain that. As I said, the existing law is contained in the Maintenance Orders Act, and this Act facilitates the enforcement orders against persons within the Commonwealth. So far, in relation to the reciprocal arrangements, it applies to England and Ireland and it was subsequently extended to Guyana, Grenada, St. Vincent, St. Lucia, the Leeward Islands, Barbados, Jamaica, Australia, Bahamas, Tasmania and more recently, the Province of New Brunswick.

However, when one looks at the list of the countries, one would see that they prove to be hopelessly out of date, in that the legislation does not take into account, the fact that people have migrated to other areas.

3.05 p.m.

Therefore, what has happened, Mr. Speaker, the Bill—apart from limiting it to within the Commonwealth, the scheme of the legislation that we have now, that is the existing law—provided only for the enforcement of maintenance orders for a particular sum. The Bill, now, will extend to such orders as to periodical payments.

Mr. Speaker, the existing legislation does not allow for the variation or rescission of registered maintenance orders; this Bill does. The Bill also targets the location of a person's assets as well as his residential status in seeking to enforce an order. Under the existing law, the court was concerned purely with residence. Under this Bill, the court could also be concerned even though the person is not residing there has assets there, in order to go against the assets. Hence, persons proceeding to, residing in, or having assets in Trinidad and Tobago or the foreign country, will all become targets of the Bill.

Mr. Speaker, the present shortcoming of the law, which only extends to a limited number of countries and which does not target the location of a person's assets as well as his residential status and which does not apply to persons proceeding to, or residing, or having assets in a foreign country will now be removed by this Bill and in particular, one can see clause 4 of the Bill.

What I would do is, I would go through some of the major provisions of the Bill. Part I of the Bill has the definition section. I would ask Members to note that there were amendments made to the Bill in the Senate, so the Bill has to be read with those amendments in mind.

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. Deputy Speaker, the amendments which were made in the Senate were made on December 07, 1999. I will try to help Members as we go along.

In Part I of the Bill, one sees that in dealing with a maintenance order:

“‘maintenance order’, or ‘order’ means an order (whether final or provisional) (however described in any other law), for the payment of a lump sum or the periodical payment of money towards the maintenance of any person being a person whom the person liable to make payments under the order is, according to the law applied in the place where the order was made, liable to maintain.”

So one sees that it covers payment of lump sum or periodical payment.

In the definition section one would see also that the first definition states:

“‘certificate of arrears’ in relation to a maintenance order, means a certificate certifying that the sum specified therein, is to the best of the information and belief of the officer giving the certificate, the amount of the arrears due under the order at the date of the certificate...”

This is a drawback of the existing law because it does not apply to arrears. This section deals with provisional orders *et cetera*.

Clauses 4 and 5 in Part II of the Bill are very important to understand the Bill. I would read it and explain it.

“4 (1) This section applies to any maintenance order, not being a provisional order, made either before or after the commencement of this Act, by a court in Trinidad and Tobago.”

The first thing for us to know is that if this law is passed, the machinery would enforce orders made before this Bill came into law. It applies to any maintenance order, not being a provisional order, made either before or after the commencement of this Act, by a court in Trinidad and Tobago. It shows how it will do it.

“(2) Where he is satisfied that the payer...”

That is the person who has the obligation to pay.

“(2) Where he is satisfied that the payer under a maintenance order is proceeding to, residing in or has assets in a reciprocating state,...”

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I ask Members to note that. Let us assume that the payer is the husband, there is an order and he is proceeding to, residing in, or has assets in a reciprocating state:

“...the proper officer of the court in which the maintenance order was made, may of his own motion or on the application, in the prescribed form, of the payee under the order, forward to the Attorney General for transmission to the responsible authority in the reciprocating state—

- (a) a request, in the prescribed form, for registration and enforcement of the order;
- (b) a certified copy of the order;
- (c) a statement relating to the whereabouts of the payer or his assets; and
- (d) all other related documents.

(3) The Attorney General shall transmit the request for registration to the responsible authority in the reciprocating state if he is satisfied that the statement relating to the whereabouts of the payer gives sufficient information to justify transmission of the request.”

There is the first instance in which you already have an order and the person who has the obligation to pay, is either residing or has assets in a reciprocating state or is proceeding to reside. Then an application can be made by the court itself or by the person involved, for the transmission of these records, to have the judgment registered in the reciprocating state, and the Attorney General will transmit that to the state, in order to have it registered.

Subclause (4) is self-explanatory.

Clause 5(1), that is the other case now. I quote:

“Where an application is made to a court in Trinidad and Tobago for a maintenance order against any person who is proved to be proceeding to, residing in or has assets in a reciprocating state and the application is one in which the court would have jurisdiction to make a maintenance order if that person were resident in Trinidad and Tobago and a summons to appear before the court to answer the application had been duly served upon him, the court shall have jurisdiction to hear the application and may make an order, but any order so made shall be provisional only.”

This clause does not deal with where one already has a maintenance order. This clause deals with where the party is leaving or has left and one wants to get an order. What happens is that one can go—lawyers call it *ex parte*—and get a

provisional order. That provisional order, where that order is made, under clause 5(3), is sent to the Attorney General for transmission to the state involved, to the responsible authority, and it prescribes what has to be done. Then that order, when it is sent, under clause 6 can be confirmed by the reciprocating state. Clause 6 deals with it.

“Where, before a provisional order made under section 5 is confirmed, either—...the court in Trinidad and Tobago which made the order shall consider that evidence.”

One can have the order confirmed. Under clause 6 one can have a reconsideration of the matter by the court.

3.15 p.m.

The principle really is that you have two kinds of cases: one where there is already an order made by a court for maintenance. That order can be registered by the state of Trinidad and Tobago through the office of the Attorney General, having it registered in the country and sending it to the appropriate officer. Then you have the other scenario where there is no order made as yet, but the person is about to leave, the person has left, or the person has transferred his assets abroad, so it is not purely dependent upon residents. An order can be made in which it will be provisional, but there is procedure to have it confirmed. When that order is confirmed in the foreign country, it is just as if the foreign country made an order; it will be enforceable. So it can be enforceable against the assets of the person in that foreign country.

Mr. Deputy Speaker, clause 7 was amended in the other place and it states:

“Where a court has made a provisional order under section 5 consisting of or including a provision for periodical payments by a party to the marriage...and the order has been confirmed by a court in a reciprocating state, then, if after making of the order, the marriage of the parties to the proceedings in which the order was made is dissolved or annulled but the order continues in force, the order, or, as the case may be, the provision thereof in so far as it relates to the party in whose favour it was made shall cease to have effect on the remarriage of that party, except in relation to any arrears due under it on the date of such remarriage, and such order or provision thereof shall not be capable of being revived.”

What was done in clause 7 was to make it quite clear.

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In this section “other dependents” mean such other person as the person liable to make payments under a maintenance order or is liable to maintain. “Minor” means any person under the age of 18 years and dependent upon the person liable to maintain.

It seems as though it is very wide on the question of other dependents. Then it says:

“Where a court has made a provisional order under section 5 consisting of or including a provision for periodic payments by a husband or wife and the order has been confirmed by a court in a reciprocating state, then, if after making of the order the marriage of the parties to the proceedings in which the order was made is dissolved or annulled but the order continued in force, the order or as the case may be, the provisions thereof insofar as it relates to the husband or wife...”

So what we made clear is that if the parties dissolve their marriage and there is an existing order in favour of the husband or wife, that order would be dissolved but any other order relating to other dependents would not be dissolved, shall cease to have effect on the remarriage of the party in whose favour the order was made except in relation to any arrears due under the order on the date of the marriage and such order provisions thereof shall not be capable of being revived.

What has happened here, so that I can let Members understand, clause 7 would not put an end to orders in favour of other dependents, apart from the husband or wife where there is a dissolution of the marriage. So if there are existing orders in favour of children of the marriage, on the remarriage that would not put an end to them. You will obviously have to go in the other procedures to have it discharged, but it does not automatically put an end to it. In relation to where there is a dissolution of the marriage and there is an order in favour of the wife in relation to maintenance and there is a remarriage then, in respect of the wife, that order is dissolved, not in relation to children and so forth.

Mr. Deputy Speaker, Part III of the Bill deals with the variation and revocation of orders made in Trinidad and Tobago and registered or confirmed abroad. What clause 8 does is empower the local court to vary or revoke a confirmed order made in a reciprocating state to which the order has been sent for confirmation. Clause 10 of the Bill provides for the effect of such variation or such revocation upon an order. A varied order would take effect as if it had been varied on the date on which it was made; while all arrears accrued, as at the date of revocation under a revoked order, would be recoverable.

Part V deals with orders made abroad and transmitted to Trinidad and Tobago for registration and/or confirmation. I do not think that I need to go through Part V, because the same process which applies in respect of having a provisional order made abroad and confirmed in Trinidad and Tobago would apply, because then a court in Trinidad and Tobago would be able to confirm a provisional order made abroad.

Let us say, for example, that this Bill is passed and all the administrative arrangements have taken place and a husband in the United States of America decides that he is going to leave there and come to Trinidad and Tobago, but the wife is living in the United States—they are both nationals of Trinidad and Tobago, but she is living and working in the United States—she does not want to come to Trinidad and Tobago, to have to follow him to fight a case in order to get maintenance. What she can do is go to a court in America and get a provisional order in the absence of the husband and the court there would have to transmit it to Trinidad and Tobago. That order can be confirmed in Trinidad and Tobago and then enforceable against the husband in Trinidad and Tobago; so it is reciprocal.

That is why I am trying to explain that this injustice which has been done in the notion—sometimes I am afraid to use this word “sovereignty” because I remember some years ago when that word came about, the Member for San Fernando East thought it was a sacred word and you could not do anything at all in cooperation with international bodies, because you would be surrendering your sovereignty.

Mr. Deputy Speaker, over the years it has been recognized that cooperation between countries and having courts even interfere in matters which apply to another country and to be making orders, do not in any way take away the sovereignty of the country. So by a court in the United States, for example, confirming or making a provisional order, taking the evidence from Trinidad and Tobago which is given on documents and confirming it, and that order being enforced as an order made by the court in Trinidad and Tobago, is in no way surrendering the sovereignty of Trinidad and Tobago. As a matter of fact, it is promoting justice to the people and ensuring that the sovereignty of Trinidad and Tobago is protected.

When the American court, under this law, makes the order in America and it is confirmed here, that order would be as if a judge or magistrate in Trinidad and Tobago sat, heard the whole case and made the order and it could be enforced like any order. It could go against the property. It can make the man have to go for

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contempt of court. It can attach his moneys or whatever it is or it can garnishee his moneys, so it would be just as effective as if the order was made in Trinidad and Tobago.

Mr. Deputy Speaker, we are on Part VI of the Bill which deals with the question of the cancellation of registration and transfer of orders made and registered in Trinidad and Tobago. The matters are very self-explanatory. This is really taken from the Commonwealth model and the clauses speak for themselves. I do not think I need to trouble the hon. Members' time too much. I would have to respond, in any event, so in matters which they do not really understand I will be prepared to respond.

Part VI of the Bill deals with cancellation of registration and transfer orders made abroad. Part VIII deals with supplemental matters. The scheme of the Bill is to remove the inadequate machinery that existed, put new law in place to ensure that where maintenance orders are made you would not have a situation that these orders are defeated, because the person who has to pay the money leaves the jurisdiction and he has taken his assets out of the jurisdiction.

This Bill is part and parcel of the Government's commitment, that the Government as an institution must work more aggressively to assist nationals of Trinidad and Tobago to get maintenance payments in cases where the nationals are either living abroad or here and in order to have such a machinery based on reciprocity and that they would not suffer because the persons who have to pay have merely been able to beat the system, leave the country, and even take away their assets.

Mr. Deputy Speaker, the Government recognizes the financial suffering which women, wives and children have had to endure and continue to endure in cases like these. It is not only the financial suffering but the psychological stress and strain which are brought upon the whole family. In this vein, the Government also sees the need to prevent the abduction of children by parents and that is why as I mentioned the Hague Convention of 1980, which was agreed upon, particularly, to ensure that children who are abducted by parents would have no difficulties in being sent back by governments and by courts adhering to conventions and the law, to ensure that parents do not, for their own special reasons, decide to abduct children into foreign countries and to keep them there, and they could be there because of the strength and financial resources of one party to the marriage.

This Government is very happy to have brought this measure. Once again, what it has done, it has shown by this measure that it must be recognized that many problems which face our society cannot be solved only by the particular country, that one depends upon cooperation in order to solve some of these problems. This Bill demonstrates that because the Government of Trinidad and Tobago would not be able to solve this problem unless it enters into reciprocal arrangements and it has domestic legal framework and a legal structure to be able to have these orders, made in Trinidad and Tobago, enforced and confirmed and to have similar orders made abroad enforced and confirmed and then enforced in Trinidad and Tobago.

I beg to move.

Question proposed.

Mr. Barendra Sinanan (*San Fernando West*): Mr. Deputy Speaker, I am pleased to participate this afternoon in the debate on the Maintenance Orders Bill. We on this side have no difficulty in supporting the intent of the Bill. We are somewhat concerned with the confused state of some of the drafting and we would get to that in the committee stage.

We find this Bill very necessary in today's world, especially since spouses in this modern world and even right here in Trinidad and Tobago, seem unable to appreciate the sanctity of marriage.

3.30 p.m

When we look at the statistics it would reveal that few people stay married for any length of time. It is fashionable these days to get a divorce within two years of marriage. This Bill is necessary because the sanctity of home life, the sanctity of the school environment, religious values are not taken into consideration today and this Bill is welcomed in this regard to cure the lack of appreciation of values by people. It is fair to say that too many people are getting married today without being ready for marriage. People do not appreciate the responsibilities involved in getting married. I know in certain churches before you are allowed to get married, it is mandatory that you get counsel before you embark on marriage. I think it should be adopted in most other churches because people are getting married either for one reason or the other and most of the time, it is not because of love, or any deep and abiding love which would last the test of time.

Mr. Deputy Speaker, we are a fairly small country with a population of 1.2 million or thereabouts and I had made a suggestion previously in this House that perhaps Government should consider some measure of promoting or encouraging birth control in a more meaningful way than is practised now.

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This Bill applies not only to spouses, but when you look at the definition, it also applies to children. Maintenance of any person could include a child, so in terms of a government policy, I am suggesting the time is not too far off. In my opinion, I think the time has come for us to consider giving parents incentives to have a certain number of children and not too many that they can least afford. It is rather drastic I know, but when you look at what is happening in Trinidad and Tobago, it is fair to say that the people who have the most children are those who are incapable of maintaining them and perhaps some sort of incentives could be given to parents to have maybe no more than two children. Whether it is a tax break or whatever, whether it is through increased National Insurance benefits.

Dr. Griffith: Are you anti-child?

Mr. Barry Sinanan: I am not anti-child. All I am saying is that people who can least afford children are having children and it places a great financial burden on the state. Those who want to make themselves available of the provision can do so and those who do not want to do not have to do so, but I certainly think it is something that is worth considering.

Mr. Deputy Speaker, when you read of the police conducting all these raids, do you know who they catch most of the times? Persons caught are not the hardened criminals, but mostly persons who have warrants out for maintenance, those are the majority of persons who are caught in these raids and face the courts the following day. I am saying again, it is my humble opinion that it is something worthwhile to consider.

This Bill does not talk about maintenance for single mothers and fathers. Legislation has been passed in this House dealing with common law unions, we do have single mothers, single fathers not in lawful marriage and it does not address children born out of that situation and perhaps the Attorney General can look at that.

The Orders to which the Attorney General is referring can be registered in the Magistrates' Court or the High Court, but how often would you go to the Magistrates' Court or the High Court to see whether an Order is registered there? I am saying that these Maintenance Orders should be registered as a judgment of the High Court at the Registry in Port of Spain, because from a practical point of view, if you want to make sure that person who has a registered Order pays the maintenance, if the Order is registered as a judgment in the Land Registry, then that person dealing with his assets can be prevented from doing that because there is a judgment. So it makes no sense to me having these Orders registered in the

Magistrates' Court, or in the High Court, where from a practical point of view, enforceability may be limited or somebody dealing with a person against whom an Order is made may not be aware that an Order has been made. So if that Order is registered as a judgment of the court, I think it will certainly protect the person who is entitled to the payments.

This legislation is fairly cumbersome and it relates to part of the jurisdiction being the Magistrates' Court and we know there is great difficulty there, perhaps that would be the subject of debate on another occasion.

Mr. Deputy Speaker, the general scheme of the legislation, as I see it, is to enhance cross jurisdictional Maintenance Orders to be made with a provisional order in one country being confirmed in another. The system requires the active participation of the Attorney General's Department and it is difficult to believe that it would function smoothly. There is also the concern as to whether the scheduled list of reciprocating states will be expanded. At present, we do not have arrangements with some major jurisdictions to which nationals often migrate such as Canada, and the United States of America. Because of the history of the issue, scheduled jurisdictions are in certain Commonwealth and Caribbean countries.

The Attorney General made heavy weather of somebody having a court in the United States of America and enforcing an Order, but I am not sure whether the United States of America and Canada are reciprocating states under this legislation. I know we have the Caribbean Commonwealth countries and the wider Commonwealth countries, but Trinidadians tend chiefly in the last couple years to migrate more to Canada and the United States of America and less to the United Kingdom and other Caribbean countries. One major defect of this legislation could be that if Canada and the United States of America—moreso the United States of America because Trinidadians go more to the United States than any other country—if the United States of America is not a reciprocating state, then we have a difficulty with this legislation. I know in his discourse, the Attorney General made heavy reference to the United States of America, but nowhere did he say that the United States of America—and to some extent, Canada—is a reciprocating state.

Clause 29 states:

“Where the President is satisfied that reciprocal provisions have been or will be made by any state outside of Trinidad and Tobago for the enforcement in that state of maintenance orders made by a court in Trinidad and Tobago, the President may, by Order, designate that state as a reciprocating state for the purposes of this Act.”

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What I am saying is that to a large extent, this legislation would be meaningless in terms of spouses who are residing outside of the jurisdiction as it were, if that country is not a reciprocating state and I am saying unless the Attorney General can assure me—

Mr. Maharaj: Under the existing law, there could only be reciprocating Commonwealth states, because the Act only applies to Commonwealth states. Under this law, the President would make an Order as a reciprocating state. In order to enforce the law, there have to be bilateral arrangements with countries. So if, for example, the United States of America and Trinidad and Tobago enter bilateral arrangements as would be facilitated by this law then you have the reciprocity, but the United States of America has similar legislation, Canada also has, but at the present time, we cannot enter into any bilateral arrangement because there would be no legal framework to enforce it.

Since 1920 the law has been restricted to only enforcing judgments in Commonwealth countries, but only where there were reciprocity arrangements, this law would widen the net—if I may use that expression. So it would be Commonwealth, non-Commonwealth, but there must be reciprocity, otherwise it would not be enforced.

Mr. B. Sinanan: I hear you, Mr. Attorney General and I am confused. Are you saying that once this legislation is passed then we would go into bilateral arrangement with Canada and the United States of America? Because unless Canada, and the United States of America moreso are reciprocating states within the meaning of this Bill, then—

Mr. Maharaj: The United States of America and Canada are all part of the Hague Convention, we are part of the Hague Convention and Canada and the United States of America have been knocking on the door. Countries have been knocking on the door for us to pass this legislation—we have not. What has happened is that we have taken the international commitment to pass it, but we have not and we have made that commitment since 1980, I think. So this would help us to honour our commitment, but in effect, the fact that they are part of the convention and have taken steps, it would just be a formality for the arrangements to be entered into.

Mr. B. Sinanan: So once this legislation is passed then countries like Canada and the United States of America would be deemed a reciprocating state? That is very good, because I was worried about that fact, because if they were excluded from being a reciprocating state, then the legislation would hardly serve the purpose for which it was intended.

Mr. Deputy Speaker, there are a number of problems which are more difficult to address in this legislation than in purely domestic legislation. I have a concern as to its adequacy when we consider how this legislation serves those who are dependent on receiving adequate maintenance, and those ordered to pay. The process under the Bill is relatively inflexible, for example, a payee confronted by a provisional order cannot raise defences such as inability to meet the level of maintenance, for example because of unemployment, illness, obligations to other dependants. All these factors will normally be taken into account in assessing maintenance locally and it is relatively easy to seek a variation of an Order locally where there is such a change of circumstances, so this legislation does not take into consideration the circumstances of the payer.

On the other hand, the recipients are stuck with an Order converted into—in the Bill they talk about foreign currencies being converted and whilst the dollar is strong at the moment and I hope to some extent it will continue that way, if the dollar weakens then it can affect the quantum received.

Mr. Deputy Speaker, I do not find the Bill is clear as to the exact jurisdiction involved in order to obtain a Provisional Maintenance Order in Trinidad and Tobago. Is it that an application is to be made under the Matrimonial Proceedings and Property Act, or the Family Law Act and the court is then asked to make the provisional order? Under which Act will we be coming?

Reading clause 5(1) I have the impression that the application is directly for a Provisional Order in which case, during this initial process, how is quantum arrived at in the absence of any criteria? There is nothing about criteria to arise at a quantum in the Maintenance Order. How is the payer's capacity to pay taken into account? Under the Family Law Act and the Matrimonial Proceedings Act, those things are taken into account, but this Bill does not say anything about that.

3.45 p.m.

Clause 6(2) addresses the subsequent taking of evidence. But even there it is not clear what the criteria are. By comparison, if one were to look at matters to be taken into account under section 26 of the Matrimonial Proceedings and Property Act and section 19 of the Family Act, you would see there are things that you can take into consideration, the criteria set out there that could have a judge or magistrate determine what is fair in terms of making an order.

Clause 5(1) speaks about how the application is one in which the court would have jurisdiction to make a maintenance order if that person were resident in Trinidad and Tobago, and is summoned to appear before the court to answer the

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application that has been duly served upon him. How is that to be interpreted? Usually an application is made under the provisions of the particular Act; it is not an application which gives jurisdiction. If the application is to the High Court, does the court apply the criteria of the Matrimonial Proceedings and Property Act? Generally, it is a divorce jurisdiction. The Matrimonial Proceedings and Property Act is a divorce jurisdiction, but also available to married claimants for wilful neglect to maintain.

Or, does it apply to the criteria of the Family Law Act, which provides both a High Court and a Magistrates' Court jurisdiction? The court's jurisdiction in this legislation is at large, but it is prescribed by the specific legislation under which the application is made. So I think we need to look at that to see under which jurisdiction we would be coming to make applications.

This Bill puts a heavy burden on the Attorney General and his department. To operate effectively the Bill requires that the Attorney General's department, the High Court and the Magistrates' Court are adequately staffed with personnel to investigate the whereabouts of the payer as well as their assets. When you look at clause 11(4) and clause 22(1), as amended, you will see the burden is heavily on the proper officer. A proper officer means in the case of a High Court, the Registrar General of the Supreme Court, and in the case of the Magistrates' Court, the Clerk of the Peace for the magisterial district. We all know of the tremendous work that these people undertake and the question really is whether you need additional staff to implement this legislation effectively.

Mr. Deputy Speaker, this Bill is drafted in language that is often cumbersome and, therefore, difficult to understand when compared with the Act that it proposes to repeal. The Act is more readily understandable and easier to follow. You have to read this Bill about 20 times before you really get the hang of it—it is really confusing and conflicting. It is obvious that neither the Attorney General nor the proper officer of the court—either the Registrar in the High Court or the Clerk in the Magistrates' Court—would have any personal knowledge in any of the matters. Yet, the Bill is drafted in several clauses in such a way as to suggest otherwise.

In my view, these personnel can only act—that is the Attorney General or the proper officer—upon the information provided to them by the applicant or payee. But when you look through the Bill you would see in several clauses, for example, clause 4(2) talks about a proper officer may, of his own motion; clause 20 talks about where the proper officer is of the opinion; clause 22(1) talks about

it appears to him, being the Attorney General; clause 22(3)(a) talks about the proper officer required by the provisions of this part is to send to the Attorney General, a certified copy of an order and shall send, with the copy, a statement giving such information as he possesses. So it imposes upon the proper officer and the Attorney General, information that they possess which they do not have at all. That information must come from the applicant.

Clause 4(4), Mr. Deputy Speaker, talks about the local courts maintaining the right to enforce or vary the maintenance and revoke a final order. What, therefore, is the procedure to be adopted, if enforcement is taking place in both the reciprocating state and in Trinidad and Tobago, for instance, if the payer is back and forth between both states? That happens very often where you have people who are Trinidadians, but they also have their green card, and in the case of dual citizenship, business is being confine now, not only to Trinidad and Tobago, we have nationals trading and conducting businesses in several countries at the same time, so that this legislation does not address that.

With respect to clause 6(1)(a), reference is made to the evidence which was taken in a reciprocating state being sent here in a duly authenticated document, which sets out or summarizes the evidence taken. When you summarize the evidence you tend to miss several things, so I am suggesting that, perhaps, a verbatim report be submitted instead of a summarized version in all cases, so that there is accuracy.

Clause 9(1) seems to create a recipe for confusion. As it states that an order which was made here and sent for registration abroad, can be varied or revoked by the reciprocating state. But our court can refuse to confirm the order made by the reciprocating state, varying our original order. The Bill does not state how this is to be resolved.

Clause 11(4) is a clause which requires the proper officer to use his personnel to locate the whereabouts of a payer or the location of his assets before an order from a reciprocating state is registered. Again, as I have said earlier, this requires manpower. The person wishing to have the order enforced will have to provide the proper officer with details as to the whereabouts of the payer and his assets for the matter to move forward.

It also seems that the office of the proper officer must be afforded more personnel than what exists at present. Again, let me emphasize, for this legislation to be effective, you need people to enforce it: you need support staff in the Attorney General's Department; you need support staff in the Magistrates' Court and the High Court.

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Clause 14(2) speaks of the court taking all such steps for enforcing an order in the usual course of things. However, the party in whose favour the order is made, is the one who is to move the court for enforcement. Again, the person who wants the order is the one to make it, and not the proper officer, because the proper officer would not have that personal knowledge, nor the Attorney General or people in his department.

Clause 18(4) makes provision for the local courts, when dealing with an application for the revocation of an order from a reciprocating state, to apply the law of the reciprocating state. That seems to be a tall order. Perhaps it is expected that the attorneys representing the applicant would submit the law to the presiding judge or magistrate. But what happens if that person is not represented at the hearing in the foreign state? This legislation does not address that. It needs to be understood what is being contemplated by clause 18(5). What is the basis on which an order may be revoked, although no ground for revoking it is established—as the final words in the section suggest.

With respect to clause 20 the issue arises as to what period of time is the proper officer to conclude that a payer “has ceased to reside”—and in this respect I would imagine it is “ceased to reside” permanently—in a particular jurisdiction, as to warrant the cancellation of the registration of an order?

It must give a time limit.

3.55 p.m.

The same question can be applied to clause 21, which at first blush does not seem to differ that much from clause 20, except that the latter speaks of a payer ceasing to reside within the jurisdiction of the court, and the former speaks of a payer ceasing to reside or have assets within Trinidad and Tobago.

The Attorney General spoke about the Hague Convention. Again, countries that are not signatories to the Hague Convention can easily provide a haven for those who wish to avoid having their assets exposed. So that whichever country or those countries that are not signatories to the Hague Convention can be a haven for any delinquent spouse putting his or her money there and you cannot get to the asset in that country, because that particular country is not a signatory to the Hague Convention.

In clause 22, the Attorney General has the overriding power to determine whether or not—notwithstanding the proper officers communication to him—a payer is no longer residing in a particular jurisdiction to locate the payer if he is in another jurisdiction, and to have the Order registered there. This will require manpower to ascertain location of the payer and one would have to assume that

the responsibility would lie with the payee to inform the proper officer in the first place, that the payer is residing elsewhere. Indeed, the proper officer's knowledge of the payer's removal would probably only come from the payee. I suggest that the proper officer have the power to transfer the registration of an order to another district and, thereafter, notify the Attorney General. So by doing that you will cut down on a lot of the bureaucracy in this legislation.

Mr. Deputy Speaker, in summary, while as I said, we support the legislation, we find the drafting particularly cumbersome. In terms of its enforceability a lot depends on the ability of the staff levels, both at the Attorney General's Office and at the courts. So that in order for this legislation to work smoothly, the Government would have to establish proper staffing levels.

When one looks at the Judiciary, I mean, as I said, that is a subject that we will touch on, perhaps, at the end of the month. But again, the judges complain about lack of staffing; lack of tools to enable them to be effective in delivering judgments; and this piece of legislation puts a heavy burden on the Judiciary. So that once the Judiciary has the tools and the staff, well then, that will help in promoting this piece of legislation.

Mr. Deputy Speaker, the Attorney General talks about the spouse being necessarily—well not only being the husband, and we tend to refer in these matters as if the husband is always the villain, but these maintenance orders can, in fact, be made whereby a wife can be ordered to maintain her husband. So that I am sure all that will appeal to—*[Interruption]* That is right and the hon. Member for Couva North remembers the case well. I think the Member was involved. May be the Member for Couva South was in that case too. *[Interruption]* That is how I remember the thing. That is perhaps—I do not know if it was the first time that the hon. Member for Couva North had defeated the Member for Couva South in the court, but I do remember it: *Gopaul and Gopaul*. I think some of my partners or former partners were involved in that case, and former partners were former partners not of my own firm, but the firm that the Attorney General was associated with. *[Laughter]*

So that we must not confuse the public by giving them the impression that it is only the husband who can be errant and have to make these payments. A wife can also be forced to make these payments especially where the wife is, perhaps, more educated and is in receipt of a bigger income than the husband, and that is not uncommon in Trinidad and Tobago. *[Laughter]* I am not necessarily casting my eyes in that direction.

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Mr. Deputy Speaker and Member for Couva South, the Bill does not have a Part VII. It is Part VI and Part VIII. So, I think you need to look at that in terms of renumbering. As I said, we have no difficulty in supporting the legislation. Our main concern really, is the support staff levels at the Attorney General's Department and at the courts to enable the legislation to be effective. We on this side, as I said, support the legislation and in committee stage there are some questions that we will want clarified, but the general gist and purpose of the legislation, we have no difficulty in supporting it. With these few words, I thank you very much. [*Desk thumping*]

The Minister of Social and Community Development and Minister of Sport and Youth Affairs (Hon. Manohar Ramsaran): Mr. Deputy Speaker, I rise to offer my support to a Bill to consolidate and revise the law and to make new provisions to facilitate the enforcement of maintenance orders abroad. As the Minister responsible for national family services and, particularly, children in this country, it is indeed a pleasure that I can stand to support such a Bill. When we look at the people who are responsible, I agree with the Member for San Fernando West who said, that many of us who get married enter into relationships but do not wish to take our responsibilities. With this in mind and what is taking place with the sufferance of a significant sector of our population, left adrift—as they say in the stormy sea of life today—through the failure of provision by their providers.

Mr. Deputy Speaker, when we look at what is taking place with these providers—as they were supposed to be—and the neglect of the family, we could see the effects on the streets and, indeed, across the nation of what has been taking place over time. So, I have no hesitation in standing up to support the Attorney General in these amendments so that our 1920 laws could be made more applicable today.

Previous legislation sought to address this issue and, of course, this afforded considerable relief to many. Current migration trends and request from wider collaborating jurisdictions have placed increased demands on the state, therefore, these fresh provisions for the enforcement—both locally and abroad—of maintenance orders and provision orders by nationals of Trinidad and Tobago and other states are, indeed, welcomed.

Mr. Deputy Speaker, figures from the Central Statistical Office attest to rapid increases in request from various members of the public seeking redress, following inadequate or no maintenance provisions to support spouses, children or dependant adults. This arose in non-settlement or undue delay in legal separation and in divorce proceedings.

The termination of non-formal relationships or abandonment in the case of children, or in some cases to share the responsibility of providers. Nearer home at the social service level, different division of my ministry have reported an increased request for assistance in matters relating to maintenance. For instance, the Social Welfare Division described some 7.5 per cent of their actual recipients as persons within this category.

4.05 p.m.

Mr. Deputy Speaker, to explain, when a maintenance order is made and the parents or fathers are not found, the mothers or the spouses apply to the Social Welfare Division for public assistance. Of course, the court will provide statistics to show that the provider is not available and then the responsibility is that of the state to ensure that the well-being of the family is taken care of. This Bill will go a certain distance, I am sure, in easing the state in its expenses to provide for these children. As I go on I will mention some of what takes place across this country.

The probation department cited a conservative estimate of 45 per cent of their total cases over the last five-year period. Forty-five per cent of the Probation Department's time is taken up with requests coming in to them to deal with people who were supposed to have maintenance matters rectified.

At the National Family Services Division, cases surrounding maintenance matters have been put at 50 per cent of the total caseload, averaging 1,635 over the last three years.

Different divisions within my ministry contribute to the maintenance of these families and these children so that they would not be put on the road, so to speak. The SHARE division of my ministry also assists the people who have no fathers or no supporters in their homes. Indeed, Mr. Deputy Speaker, when we read through the provisions of this Bill, it is indeed important that this comes into place so that we could take care of the children in this country. Because, as I said before, fathers are the providers of care in our country. They should not be allowed to abdicate their responsibility to the state.

Mr. Deputy Speaker, permit me to inform this honourable House of some of the effects of the failure of providers to make adequate arrangement for their dependants. The consequences are evident in a wide range of social problems addressed by existing social service agencies. I might go through a few of these quickly, Mr. Deputy Speaker. When maintenance is not paid spouses and children are frequently left without funds to provide for the basic necessities of any human being; for instance food, clothing and shelter. Social service agencies have numerous reports of fathers absconding in their responsibilities to offspring and spouses.

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Social service agencies report that mothers turn to commercial sex; that is, of course, prostitution, as a means of providing for their offspring. There are also known cases of children, especially females, who are used by others as prostitutes to procure moneys to secure their daily bread for the family. Mr. Deputy Speaker, you are aware of what this could cause in the real risk in the spread of sexually transmitted diseases.

Mr. Deputy Speaker, also the lack of income into the household affects the physical, emotional and psychological development of our children, which have serious long-term implications on the future of the nation of Trinidad and Tobago.

We also find children on the streets with no parents or guardian and totally unsupervised. We also find those who are sent out daily by parents or guardians to get money for household needs. When one looks at the children who have to survive without parents, especially a father, in this country of ours, one can understand what they are faced with.

When we look at what is taking place with this piece of legislation, we must congratulate the Government for, really, thinking about this. If you go to the courts, Mr. Deputy Speaker, you would understand what we are talking about, with respect to the people who go there from month to month or sometimes week by week and the law cannot locate the fathers or the providers. This, indeed, leads to a very serious social problem in our country resulting in youth crime, teenage pregnancies and other abuses.

Mr. Deputy Speaker, when we look at this Bill and look carefully at what it could contribute to the development of Trinidad and Tobago, especially through our neglected youth and moreso to the families, we cannot help but see the importance of this Bill.

Mr. Deputy Speaker, whenever the immediate support systems are insufficient, it is the responsibility of the state to provide for its citizens to ensure that their basic needs are met. In compliance with the role and mandate of the Government of Trinidad and Tobago, to provide a better standard of living and an improved quality of life for all citizens, my ministry has, over time, received increased allocations to meet financial and other provisions through its various programmes and services to assist the vulnerable population.

The cost to the public purse is heavy. While Government is committed to meeting its responsibility, citizens should be encouraged to accept and meet their responsibilities in caring for their dependants as much as is practical. Thus, therefore, this revised piece of legislation should be recommended to ensure that while persons are free to pursue wider interests they should be made more responsible for meeting their obligations.

Mr. Deputy Speaker, when we look at what is taking place in Trinidad—I want to repeat that—with our providers, our fathers who are absent from the homes, we could, at least, get them to provide financially for the welfare and the well-being of their dependants.

Therefore, with this background and with the responsibility as the Minister of Social and Community Development and even Youth Affairs, I think it is important that the parents; these people who enter into these relationships without having a care in the world, should be made to pay for effective collection of whatever subvention or moneys that they owe as a matter of right to their children, because I think children deserve more than is actually meted out to them.

Therefore, Mr. Deputy Speaker, with this short contribution, I have no problem in supporting this piece of legislation. Thank you very much.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Deputy Speaker, I would like to express our thanks to the Member for San Fernando West for his contribution in supporting the policy contained in the Bill. He did make a few comments; some of them I will deal with in the committee stage in the particular clauses of the Bill. He did criticize the drafting of the Bill. All that I can say is that this is a model piece of legislation which has been produced by the Commonwealth Secretariat. It has been reviewed by the Chief Parliamentary Counsel Department. It has found no flaws in it. It is the kind of legislation—the same model has been introduced in Caricom countries; I think it is Barbados. Commonwealth countries have introduced them. It has been passed in the Senate. There are very distinguished lawyers in the Senate. There have been no substantial amendments to them. I look forward; I have not seen any proposed amendments from the Opposition to see what is wrong with the drafting.

The Bill has been before the Senate. There were lawyers, from the Opposition, in the Senate. They have not proposed any amendments to the drafting. We have distinguished lawyers on the other side. We have the hon. Member for Arouca South, a very distinguished lawyer. She has not submitted any proposed amendments. That is a yardstick that I would have used.

Here it is that there is a model piece of legislation—the Opposition did not, in government, introduce it. We came, we have brought it. All that I am saying is that I would really expect that if there are any serious drafting flaws for the hon. Member to point them out to me in the committee stage, and with the assistance of my Chief Parliamentary Counsel Department, I would try to respond.

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Mr. Deputy Speaker, I notice that the hon. Member for San Fernando East is not in a very good mood today. I do not know what has caused that. It may be Rio Claro. I do not know whether he is looking for political maintenance now, but—
[*Laughter*]

4.15 p.m.

Mr. Manning: Mr. Deputy Speaker, I thank the hon. Attorney General for giving way. I just want to advise him and hon. Members that I could not be in a better state of mind than I am today. [*Desk thumping*] Just for the record, I went to church today. [*Interruption*]

Hon. R. L. Maharaj: He must not let failure go to his head.

Mr. Sudama: Are you born again? You are born a second time?

Hon. R. L. Maharaj: Mr. Deputy Speaker, I would just like to give the hon. Member for San Fernando East, as my parliamentary representative, one piece of advice: do not allow failure to get to his head. [*Laughter*]

The hon. Member for San Fernando West did raise a concern that, probably, this Bill does not apply to matters of maintenance, for example, where there are maintenance orders in respect of the new laws, the Cohabitation Relationship Act and the Status of Children Act. I merely wanted to explain that it does. For example, under clause 5 of the Bill it is very wide. It applies, as I said, where there has already been a maintenance order or whatever order has been made, whether under the Status of Children Act or any other law.

Even in respect of provisional orders, clause 5 states:

“Where an application is made to a court in Trinidad and Tobago for a maintenance order against any person who is proved to be proceeding to, residing in or have assets in a reciprocating state and the application is one in which the court would have jurisdiction to make a maintenance order if that person were resident in Trinidad and Tobago and a summons to appear before the court to answer the application had been duly served...the court shall have jurisdiction to hear the application...”

[MR. SPEAKER *in the Chair*]

So in respect of that provision any matter in which the court in Trinidad and Tobago would have had jurisdiction to make an order for maintenance, that court can make an order in respect of that matter.

In respect of the point the Member made about the Matrimonial Proceedings and Property Act, if one looks at the amendment which has been filed, in clause 34 it clearly shows that there are consequential amendments. In respect of the Matrimonial Proceedings and Property Act, that is being amended to take out the old law and replace this law which will mean that in respect of matrimonial matters and under the Attachment of Earnings Maintenance Act, that has also been done in the proposed amendment. The law covers situations of maintenance. I think that in the committee stage I will be able to deal with any specific matter that is raised.

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.

Mr. Chairman: I take it that everybody has the list of amendments?

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

Clause 3.

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

Mr. Sinanan: The officer giving the certificate, would that be the proper officer? Under the definition of “certificate of arrears” it talks about the officer giving the certificate. Who is that? Would that be the proper officer?

Mr. Maharaj: The clause states:

“‘certificate of arrears’ in relation to a maintenance order, means a certificate certifying that the sum specified therein, is to the best of the information and belief of the officer giving the certificate, the amount of the arrears...”

It must be the proper officer, because that is the certificate you would use.

Question put and agreed to.

Clause 3 ordered to stand part of the Bill.

Clauses 4 to 6 ordered to stand part of the Bill.

Clause 7.

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

Mr. Sinanan: Mr. Attorney, if we look at the amendment to clause 7, what about the case where a payer is deceased. He is ordered to make payments and he dies, but he leaves a substantial estate. This legislation does not take into account whether the estate would still be liable to make payments. I do not know your thinking in that regard. Do you follow? A wealthy fellow is ordered to make maintenance payments, but he dies, leaving a substantial estate. What happens in that case?

Mr. Maharaj: This Bill deals with persons having to make periodical payments and maintenance orders. If, for example, it is registered that the man has property and it is registered against the property, then it takes its normal course. But if the person dies, that is an end of the maintenance, in any event.

Mr. Sinanan: I know that, but from a philosophical point of view I am asking you to consider whether the obligation would be passed on to the estate.

Mr. Maharaj: Well, it falls under the ordinary law, the law of succession. If, for example, at the time of death there is something registered, claimed against the estate, it falls under the—*[Interruption]*

Mr. Sinanan: But these orders are registered only in the courts; they are not registered, as I suggested they should be in—*[Interruption]*

Mr. Maharaj: But it does not prevent it, if there is a claim and somebody has property and it is registered as a judgment. It says, expressly, in the Bill at some part. It does not affect the ordinary law of registering things against property. So if, for example, you have a debt and you register it in the Red House, it becomes a debt against the estate, but this Bill is not to deal with succession matters.

Question put and agreed to.

Clause 7 ordered to stand part of the Bill.

Clause 8.

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

Mr. Sinanan: Mr. Chairman, in clause 8(3)(c) where it talks about “reciprocating state”, it should read: “in Trinidad and Tobago”.

Mr. Maharaj: It states for registration. Trinidad and Tobago makes the order.

Mr. Sinanan: This is in clause 8(3)(c).

Mr. Maharaj: “Variation and revocation of orders made in Trinidad and Tobago and registered or confirmed abroad...”—*[Interruption]*

Mr. Sinanan: That is clause 9; I am talking about clause 8.

Mr. Maharaj: I am at page 11.

Mr. Sinanan: Let me read it. Clause 8(3) states:

“Where a court in Trinidad and Tobago makes a provisional order under this section, the proper officer of the court shall send, to the Attorney General for transmission to the responsible authority in the reciprocating state where the order was registered or confirmed...”

Then there is (a), (b) and (c). Subclause (c) states:

“a duly authenticated document setting out or summarising the evidence taken in the reciprocating state...”

I think that should be Trinidad and Tobago.

Mr. Maharaj: Are you reading clause 8(3)(c)?

Mr. Sinanan: Yes.

Mr. Maharaj: It states:

“Where a court in Trinidad and Tobago makes a provisional order under this section, the proper officer of the court shall send, to the Attorney General for transmission to the responsible authority in the reciprocating state where the order was registered or confirmed—

- (a) a request for confirmation in the prescribed form;
- (b) a certified copy of the order; and
- (c) a duly authenticated document setting out or summarising the evidence taken...”

It will have to be in Trinidad and Tobago.

Mr. Sinanan: That is what I was saying.

Mr. Maharaj: It should read: “summarising the evidence taken in the court in Trinidad and Tobago.” It seems so to me, but one second, let me just check. *[Interruption]* It would have to be in Trinidad and Tobago. Thank you.

Mr. Chairman, in clause 8(3)(c), instead of “the reciprocating state” we will insert the words “in a court in Trinidad and Tobago”. If I may be permitted, Mr. Chairman, I have just been reminded about the hon. Member for San Fernando’s question. Under the Matrimonial Proceedings and Property Act an order may be enforced against the estate of a former spouse and an application brought to prevent the defeat of one’s claim, section 44. So there is provision and this Act applies—*[Interruption]*

Mr. Sinanan: I wonder where this legislation would fall, whether it is under the Matrimonial Proceedings and Property Act or the Family Law Act?

Mr. Maharaj: The order that you will have to make is under this Act, because if you look at the amendment that we are proposing today, we are amending the Matrimonial Proceedings and Property Act to include that. [*Interruption*]

Mr. Chairman: Clause 8(3)(c) will now read:

“a duly authenticated document setting out or summarising the evidence taken in a court in Trinidad and Tobago.”

Does it end there?

Mr. Maharaj: No, it does not.

Mr. Chairman: It continues: “for purpose of the proceedings.”

Question put and agreed to.

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

Clause 9.

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

Mr. Sinanan: Mr. Chairman, in clause 9(2) it states:

“For the purpose of determining whether a provisional order may be confirmed under this section...”

To keep it in consonance with clause 9(1), I am suggesting the words “confirmed or modified”; so it would read:

“For the purpose of determining whether a provisional order may be confirmed or modified...”

When you look at clause 9(1) it states:

“that court may confirm or refuse to confirm the provisional order, or may confirm it either without modification, or with such modification...”

What I am suggesting is that to be consistent with clause 9(2), the second line after the word “confirmed” should include the words “or modified”.

Mr. Maharaj: It talks about it and then it determines what you would do in clause 9(2), but I would have no problem with that. It has to go back to the Senate for slight amendment, in any event, and if that would keep you happy then—

Mr. Sinanan: It will.

Mr. Maharaj: Mr. Chairman, in clause 9(2) where it states: “For the purpose of determining whether a provisional order may be confirmed” insert “or modified” under this section. [*Interruption*]

Mr. Chairman: Gentlemen please!

Question put and agreed to.

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

Mr. Chairman: Is there anything on clause 10?

Mr. Maharaj: No.

4.30 p.m.

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

Clause 15.

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

Mr. Sinanan: Mr. Chairman, clause 15(1) states:

“A person who is under an obligation to make payments in pursuance of a registered order shall, if he changes his address, give notice of his new address to the proper officer of the court in which the order is registered.”

Clause 15(2) states:

“A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand five hundred dollars.”

I am suggesting that the person must contravene this order wilfully and with intent to avoid payment, if a person is not aware of the law, although I know that is not an excuse. What I am suggesting is that in clause 15(2), the following words should be inserted:

“A person who wilfully and with intent to avoid payments...”

Mr. Panday: Hon. Member, you do not want to give defaulting fathers an escape route, and the easiest thing in the world is to plead ignorance of the law. If one does that, every woman, every representative child, every guardian will have to prove an intention and that intention is in the mind of the guilty party who has failed to register.

Mr. Sinanan: Mr. Chairman, I understand what the hon. Prime Minister is saying: that ignorance of the law is no excuse, but at the same time, you want to prove that the fellow has wilfully done this thing.

Mr. Panday: If every father who fails to register his new address says: "I did not know the law," the case goes through the window, surely you do not want to create so many loopholes that the law becomes ineffective. I would have thought that was opening the hole a little too wide, if I may, with respect.

Mr. Sinanan: I understand what you are saying, hon. Prime Minister, it is just that I find it is particularly draconian in the sense that—I would suggest that the penalty could be increased if you say: "...wilfully and with intent to avoid payments."

Mr. Panday: Then you are putting the burden of proof upon the guardian, upon the child and that is my problem, and you are putting the burden of proof of an intention. That is hard.

Mr. Maharaj: If I could add to what the hon. Prime Minister has said, if you look at the clause, it must be a person under an obligation to make payments in respect of a registered order and he must know that he has an obligation to inform the change of address and if he does not give that, and in relation to all statutory offences this is how it is done.

In statutory offences, you do not want to put wilful, otherwise you will then have to amend all the traffic laws because a person can then say you are treating him unequally. Why is a statutory offence with respect to this intentional and wilful, and in the traffic law it is not?

Mr. Panday: "I did not see the one way sign," cannot be a defence.

Question put and agreed to.

Clause 15 ordered to stand part of the Bill.

Clauses 16 and 17 ordered to stand part of the Bill.

[Cross talk]

Mr. Chairman: Please, please, please, one has to concentrate and although it appears very simple and trivial, it puts one off, people with weak intellect like myself.

Clauses 18 to 28 ordered to stand part of the Bill.

Clause 29.

Question proposed, That clause 29 stand part of the Bill.

Mr. Sinanan: Mr. Chairman, clause 29(1) says:

“Where the President is satisfied that reciprocal provisions have been or will be made...”

I am suggesting that the words “will be made” be deleted. We are satisfied if it is made it is okay, but “will be made” suppose he is thinking that it will be made and it is not made. I think the President should wait until the reciprocal provisions have been made. If he thinks that it will be made and it is not made—

Mr. Maharaj: This matter has come up when they were drafting the convention and it was recognized where there could be situations where the governments are taking a long time to put these administrative matters in place, having regard to the development of law with legitimate expectations and so forth. So where there is a basis that a government has committed itself to make it, and it will be made, you do not want to allow people to be getting away without it. So it was felt that it be put in there.

Mr. Sinanan: It does not make sense, because in my opinion, until it is made—

Mr. Maharaj: Yes, but when the order is made, it will prompt the other country to make the reciprocal thing. So it does not do any harm because you cannot enforce it until it is made, but at least the process can start and it is using it to prompt.

Mr. Sinanan: I understand what you are saying.

Mr. Maharaj: It is something that has come about in discussion with Commonwealth countries—as you will probably know. For example, if you put it like this, let us say that two governments agree that this agreement should be made and for some reason it is stuck in a department. I am not expressing a legal opinion, but it may be that even if the Government does not make it in any other country, the person would have a right to be able to say that it should be made and can prompt it to be made. I do not see any harm in that.

Question put and agreed to.

Clause 29 ordered to stand part of the Bill.

Clauses 30 to 32 ordered to stand part of the Bill.

Clause 33.

Question proposed, That clause 33 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 33 be amended as circulated.

“Delete clause 33 and substitute the following:

‘Amendments Schedule	The enactments specified in the first column of the Schedule are amended in the manner specified in the second column thereof.”
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It is purely to delete and substitute the new clause 33, the enactment specified in the first column with the Schedule. It is really to take into account the amendments which we are making to the two pieces of legislation below.

Question put and agreed to.

Clause 33, as amended, ordered to stand part of the Bill.

Clause 34.

Question proposed, That clause 34 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 34 be amended as circulated.

I hope that I am doing it the right way. I am told that inserting after the clause the following Schedule. So, would it be part of clause 34? It should be a part of clause 34 because it was done—

“Insert after clause 34 the following Schedule:

“SCHEDULE

(section 33)

First Column

Enactment

Matrimonial
Proceedings and Property
Act, Chap. 45:51

Attachment of Earnings
(Maintenance) Act, 1988
Act No. 14 of 1988

Second Column

Extent of Amendments

In section 37 delete the words ‘Maintenance Orders (Enforcement) Act’ and substitute the words ‘Maintenance Orders (Facilities for Enforcement) Act, 1999.’
In Schedule 1 item 10 delete the words ‘Maintenance Orders (Enforcement) Act, Chap. 45:53’ and substitute the words ‘Maintenance Orders (Facilities for Enforcement) Act, 1999.’”

Question put and agreed to.

Clause 34, as amended, ordered to stand part of the Bill.

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

House resumed.

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

Mr. Speaker: Hon. Members, I am sorry that you all were delayed for the tea break, but the Sitting shall now be suspended for half an hour.

4.43.p.m.: *Sitting suspended.*

5.15 p.m.: *Sitting Resumed.*

PRISON SERVICE (AMDT.) BILL

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. Deputy Speaker, I beg to move,

That a Bill to amend the Prison Service Act to introduce a different retirement age for prison officers and to provide for the enhancement of superannuation benefits and for related matters, be now read a second time.

Mr. Speaker, the Bill before this honourable House represents a culmination of consultations with officers of the appropriate recognized associations of the First and Second Divisions of the prison service. The Prison Service (Amdt.) Bill, 2000 has been on the drawing board for some time now, and its introduction into this honourable House has been welcomed by the associations because the lengthy gestation period has finally come to an end.

This Bill represents another major legislative initiative brought to fruition by this Government. Mr. Deputy Speaker, you will recall the Law Reform (Pensions) Act, 1997 and the Fire Service (Amdt.) Act, 1997, which established the framework for the Fire Service (Terms and Conditions of Employment) Regulations, 1998. Incrementally, each legislative initiative impacts upon, and furthers the transformation of the public service into an efficient service relevant to the needs of the people of the Republic of Trinidad and Tobago.

The main purpose of this Bill is to implement agreements arrive at with the associations representing officers of the First and Second Divisions of the prison service for the enhancement of superannuation benefits payable to prison officers. In this connection, Cabinet in Minute No. 2287 of December 1990 agreed, that the agreements for enhanced superannuation benefits should take effect from July 01, 1989.

Prison Service (Amdt.) Bill
[SEN. THE HON. W. MARK]

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In keeping with the established principle of parity, between officers of the various arms of the protective services, prison officers, with the proposed legislation, would be able, for the first time, to enjoy the same superannuation benefits as their counterparts in the police service and fire service. As a consequence of the agreements, the superannuation benefits to be payable to approximately 2000 prison officers would be computed and paid on the same basis as those applicable to officers falling under the jurisdiction of the Police Service Act and the Fire Service Act. This represents a significant change for prison officers who are at present eligible for the same superannuation benefits, as civil servants payable under the Pensions Act, Chap. 23:52.

Mr. Deputy Speaker, for example, whereas prison officers are at present eligible for a maximum pension of 66 2/3 per cent of pensionable emoluments, they would now be entitled, with the passage of this law, to 85 per cent of pay. Additionally, the rate at which officers would, in fact, accrue pension will increase from 2 per cent of annual pensionable emoluments to some 2.5 per cent. Apart from providing revised and enhanced superannuation benefits, the Bill also seeks to provide the appropriate legal framework for the promulgation of the proposed Prison Service (Terms and Conditions of Employment) Regulations, 1998, as part of the ongoing exercise of implementing Government's policy: "Towards a new public administration," and to streamline the administrative structure of the Prison Service of Trinidad and Tobago.

Mr. Deputy Speaker, as I have already indicated, Parliament, in 1997, amended the Fire Service Act, Chap. 35:50, so as to ensure that the legal framework could entertain the proposed Fire Service (Terms and Conditions of Employment) Regulations, 1998. So that for the first time a legislative package designed to facilitate modern human resource management practices was put in place for a service. As we did with the fire service, so will we be doing with the prison service, the proposed Prison Service (Terms and Conditions of Employment) Regulations, 1998, require the final approval of the stakeholders before submission to the President.

As Minister of Public Administration, I have made no secret of my desire for an effective transformation of the public service. Mr. Speaker, the Government of Trinidad and Tobago is committed to a recreated, continuously improving service, conducting its affairs purposefully, with the highest level of professionalism and integrity. We intend to build upon these virtues already apparent in our prison service by treating with the issues in this Bill.

5.25 p.m.

It is the vision of the Government that the public service be the ideal workplace for all persons who choose it as their preferred place of employment. The prison service while relatively small, and facing numerous challenges, nevertheless continues to attract committed and dedicated citizens to its ranks notwithstanding the demanding nature of its work.

Our current prison service has been operating since 1966, having been established by the Prison Service Act passed in that year. Yet, it sprang out of a prison management system which had its authority in the West Indian Prison Act of 1838 and prison rules made under that Act. These rules still apply today and govern the management of prisons and to a lesser degree, the prison service. There is, therefore, a clear need to review these rules.

Mr. Deputy Speaker, this Bill, therefore, represents the first major legislative review since the passage of the Prison Service Act. As I have stated, it is a generally accepted principle, when talking about public service reform, that the formal structure should be such as to reflect change and provide the necessary flexibility for future change.

In order to ensure that modern management methods and contemporary terms and conditions of service can be accommodated, the Prison Service Act requires some minor adjustment. Thus the Bill before us. The amendments before this House represent a confluence of the two legislative exercises affecting the prison service.

- (1) It is to ensure parity with the other protective services so far as superannuation benefits are concerned; and
- (2) To ensure that a framework for reform is, in fact, available.

Mr. Deputy Speaker, logically, these exercises find themselves in one legal instrument represented by the Bill today. Because of the nature of these amendments, I propose to explain the Bill by subject matter, rather than the customary clause by clause approach. I shall now address the issues pertaining to revised superannuation benefits, which are dealt with essentially at clauses 3, 9 and 15 of the Bill.

In brief, the proposed superannuation regime is treated within clause 9, which introduces four new sections: 14(A), 14(B), 14 (C), and 14(D) while clause 15 inserts the proposed pension and gratuity rules—the calculative regime—as a new Fifth Schedule of the Prison Service Act.

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These new arrangements provide for increased superannuation benefits on a contributory basis, and are designed to bring the prison service on par with the other protective services. In this regard, officers of the police and fire services are required at present to make a nominal contribution of some 1.25 per cent of pay—that is their salary—to their retirement benefits. The same will be required of prison officers as a consequence of this Bill before this honourable House.

Clause 3 of this Bill provides a date on which clauses 9 and 15 are deemed to have come into operation namely, July 1, 1989. This is in keeping with the agreements made with the respective associations representing prison officers. Thus several provisions have been included to protect the rights of officers who may have left the prison service between that date and the date of assent of the Act, so that if they so desire, they may opt to receive their benefits under the proposed prison service pension and gratuity rules, which are to be found in the new Fifth Schedule to the Act to be inserted by clause 15.

Mr. Deputy Speaker, in providing revised and improved superannuation benefits for officers of the prison service, some significant changes have been made to the terms of service of prison officers, particularly, those officers previously listed in the First Schedule to the Act, who will now be referred to as second division officers. The most important of these changes is the introduction of a new retirement age for such second division officers, which has now been reduced from 60 to 55 years, to bring it in line with the existing retirement age for officers in similar divisions in both the police and fire services. Such officers may, however, with the approval of the Public Service Commission retire at the age of 50. The compulsory retirement age for officers of the first division remains at age 60, as applies to officers of the first divisions of the police and fire services. This amendment will have immediate effect once this Bill receives presidential assent.

Mr. Deputy Speaker, those officers who have to retire immediately will have any pensionable service that may have accrued after the age of 55 up to the actual date of retirement taken into consideration for the purpose of calculating their superannuation benefits. This extra service will be taken into account where such additional service does not result in benefits which exceed the maximum benefits payable under the new pension and gratuity rules. In other words, no officer who has accrued pensionable service under the Pensions Act, after age 55, will lose that service once he pays contributions in respect of any such period.

A former prison officer who retired from the prison service on or after July 1, 1989—which is the commencement date of the new pension and gratuity rules, but before the date of assent of the Act—and who is eligible for, or is in receipt of superannuation benefits under the Pensions Act, will have the option to receive benefits under the new pension and gratuity rules or to continue to receive benefits under the Pensions Act. Such an option is not revocable once it has been made.

Mr. Deputy Speaker, let me assure this honourable House that the Ministry of National Security, as well as the prison service have anticipated the passage of this legislation and have put the necessary administrative structure in place, in an effort to address the issue of officers who will be affected by this change in the retirement age.

It is expected that for the year 2000, some 80 officers will be required to retire as a result of the new superannuation arrangements. In the year 2001, there will be some 35 persons attaining the new compulsory age of retirement and in the year 2002, some 36 persons. Additionally, some 100 second division officers will be between the ages of 50 and 54 and would be eligible to apply to the Public Service Commission for permission to voluntarily retire should they wish to do so.

Mr. Deputy Speaker, apart from ensuring that suitable replacements have been identified and trained to assume the duties when officers retire, the Ministry of National Security has introduced programmes with the assistance of the Public Service Learning Centre to prepare the officers for their pending retirement from the prison service. This took place a year ago.

5.35 p.m.

At the present time some officers are being counselled on a one-to-one basis in the prison service, as they prepare for this piece of legislation to take effect.

Within the prison service, a special administrative unit has been established to prepare the necessary pension and leave records of officers who will be affected by the new retirement age, in an effort to facilitate the smooth processing of terminal benefits when they become due.

Mr. Deputy Speaker, if you look at clause 9 of this Bill, it provides for the insertion of what is called section 14C, which treats with the pension to be granted to prison officers. As a result of this proposed section, all prison officers who retire after the commencement of this Act will be eligible for superannuation benefits in accordance with the new pension and gratuity rules to be set out in the Fifth Schedule.

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Mr. Deputy Speaker, as I indicated earlier, this Government successfully brought to this Parliament the Law Reform (Pensions) Act, 1997 which introduced significant changes in the superannuation benefits of public officers, including prison officers. This came into effect during the time that the Prison Service (Amendment) Bill was being drafted.

In view of the fact that the main provisions of the Law Reform (Pensions) Act, 1997 took effect from June 02, 1989 and this Bill takes effect from July 01, 1989, specific provision has to be made to ensure that prison officers, under their pension and gratuity rules, would continue to enjoy the benefits to which they were entitled under the Law Reform (Pensions) Act, 1997 and which also apply to officers in the police and fire services.

Mr. Deputy Speaker, I propose to deal with the calculative regime for the proposed superannuation benefits to be specified in the proposed Fifth Schedule of this particular Bill that is before us. If you look at the Fifth Schedule of this Bill that is before this honourable House, Mr. Deputy Speaker, you would see that section 15 of the Bill inserts the Fifth Schedule into the Prison Service Act. This schedule, entitled: “The Prison Service (Pension and Gratuity) Rules”, sets out the calculative regime of the superannuation benefits to which I made reference.

If you look at rule 1 of this particular Fifth Schedule—the rule that governs the Fifth Schedule of this particular Act—you will see it identifies key definitions.

Rule 2 indicates that the rules do not provide the officer with an absolute entitlement to pension.

Rule 3 deals with the contributions to be made towards officers' superannuation benefits. In rule 3, provision is made for a deduction of one and a quarter per cent of the monthly pay of each officer as a contribution.

Further, rule 3(2) provides for the mode of payment of outstanding arrears of contribution in respect of all of his full-time service including any period of full-time service in a non-pensionable office. In rules 3(2) and 3(3) provision has been made for officers to meet arrears of contributions which will arise in several ways. For example, over a period of 10 years, by lump sum payment or from any arrears of emoluments as defined in the Public Sector (Arrears of Emoluments) Act, 1995—with which I am sure the Member for Diego Martin Central would be well familiar—owed to an officer—*[Interruption]* I will say a lot about the Member, shortly you know, if he wants me. The Member is trying to tease me on this side. I am trying to stick to my script, you know. Do not force me. He talked about you, you know. Do not provoke me. That is a twenty-four animal you have there, you

know. He does resign from your party. He resigned from your party and said that you are wicked and spiteful, you know. You want me to move from my script? Okay *[Laughter]* A wicked and spiteful man. A political Judas of the worse type, this man “dey” call Valley. *[Desk thumping]* His claim to fame, but we will talk about that. I will deal with the Member later. Let us deal with the Prison Service (Amdt.) Bill.

Mr. Imbert: Shut up!

Sen. The Hon. W. Mark: The man who tried to deny Emile Elias his just dues. This man, Chihuahua “dey” call him, bark but he “doh” bite. All right brother, you take your time. A Pompek they call you?

Mr. Deputy Speaker, let me return to my—in rules 3(2) and 3(3) provision has been made for the officers to meet arrears of contributions which arise in several ways. For example, as I said—

In rule 3(4) the officer will receive a refund of all his contributions that are deducted from his pay, where he is not eligible to have his service preserved under the Law Reform (Pensions) Act, 1997.

Rule 4 identifies the period to be taken into account as pensionable service. This includes not only full-time service in a permanent office that is pensionable in the public service, or under the Law Reform (Pension) Act, 1997, but also where an officer was absent from duty on leave with partial pay, for example, half pay. In the latter case, the calculation of benefits will be on the basis of one month for every two months the officer is on leave or half-pay.

Mr. Deputy Speaker, in the case of maternity leave, provision has been made for the whole of the period of maternity leave to be included in the computation of the superannuation benefits of a female officer. This is to ensure that the pension and gratuity rules accord with the provisions of the Maternity Protection Act, 1998 which, as you know, was introduced and passed in this Parliament by the United National Congress (UNC) Government of national unity. That Act, as you know, was an initiative of the Government and it provides, for the first time in Trinidad and Tobago, that women who are covered by pension plans—I want to repeat this, Mr. Deputy Speaker, this Act: the Maternity Protection Act, 1998, provides for the first time in our country for women who are covered by pension plans to ensure that they are not prejudiced by virtue of going on half pay during maternity leave. Having a child will no longer affect a female officer’s terminal benefits in Trinidad and Tobago.

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We look at rules 5, 6, 10 and 11 which treat with the benefits that will be payable to prison officers where they retire voluntarily, compulsorily or on medical grounds and to his estate and/or survivors in the event of death arising out of, and in the course of employment. Provision is also made for additional benefits to be paid to the officers in cases of permanent injuries suffered from discharging their duties.

Mr. Deputy Speaker, you will recall the Protective Services (Compensation) Act, 1996 which provides for compensation for work-related injuries. Section 20 of that particular Act guarantees that any payment, under that Act, does not disqualify a claim for a pension under these amendments.

The benefits payable to prison officers under this Bill are greater than those which currently exist for prison officers. While provision has been made for the payment of a pension to officers who serve for a period of no less than 10 years, and who reach the age of retirement, inadvertently, no provision has been made for the payment of a gratuity to an officer who has served for at least five years but less than 10 years as applies at present to police and fire officers. [*Desk thumping*]

5.45 p.m.

Mr. Valley: We agree; all of us say “aye”. [*Interruption*]

Sen. The Hon. W. Mark: In the police service and fire service, if a person serves for more than five but less than 10 years and retires, he or she would— [*Interruption*]

Mr. Deputy Speaker: In light of the agreement you may beg to move.

Sen. The Hon. W. Mark: Yes.

Mr. Valley: Okay, we agree. [*Laughter*]

Sen. The Hon. W. Mark: You are happy?

Hon. Members: Yes!

Sen. The Hon. W. Mark: The Opposition is happy. Well, Mr. Deputy Speaker, I have the complete and total support of my colleagues on the Opposition side.

Mr. Valley: We beg to move.

Sen. The Hon. W. Mark: Mr. Deputy Speaker, in those circumstances, I beg to move. [*Desk thumping*] [*Laughter*]

Mr. Deputy Speaker: Order, order! Member for Laventille East/Morvant, order! It is a different case when the Speaker is on his legs. [*Laughter*]

Question proposed.

Mr. Fitzgerald Hinds (Laventille East/Morvant): Mr. Deputy Speaker, we sort of welcomed the Minister to this House and listened to him speak or rather dribble on [*Laughter*] about pensions and so forth. He was so confusing that we urged him an early winding up of his introduction and departure from this House.

I simply want to say that all of that confused state, that convoluted and distorted presentation was just dribble and drabble. I suspect that it was deliberate. Apart from his natural tendencies, I suspect it was intentional, because, at the end of day, the persons who are to work with this legislation may not benefit anything from what he said. They may have trouble understanding. At the end of the day, the prison officers may find themselves no better off than they were before he came here; as the old people discovered when their pension was supposed to have increased some time ago.

At any rate, since he has said precious little, in fact, nothing, we too have nothing to say, except to say, for the benefit of the prison service, that we hope the measures are, in fact, implemented. You can trust nothing from this Government and rely on no promise they make, but we support the Bill; we agree.

Mr. Deputy Speaker, that would be it. [*Desk thumping*]

Mr. Hedwige Bereaux (La Brea): Mr. Deputy Speaker, I really did not want to join the debate on this matter, however—[*Interruption*]

Hon. Member: He did not acknowledge you as yet.

Mr. H. Bereaux: Yes, he acknowledged me. I think I would be failing in my duty, since we are speaking about the prison service and whereas we agree with the increase in the superannuation benefits of the members of the prison service, if I did not point out that it is coming at a good time and whereas the members of the prison service have been performing well, the Government has been failing them—failing them to the extent that today we awoke to the news, “Islandwide man-hunt launched”.

Hon. Member: Now I know why Republic Bank left La Brea.

Mr. H. Bereaux: Mr. Deputy Speaker, I am speaking about three killers who escaped from Death Row. The Government opposite, under whose watch is the provision of security for this country, they are telling me—both the hon. Member for Nariva, who has moved from his seat, and the hon. Member for Caroni East are so ashamed—that I should not be speaking about this. But I must—[*Interruption*]

Mr. Deputy Speaker: Could the Member from La Brea kindly show the Deputy Speaker to what part of the Bill he is referring?

Mr. H. Bereaux: I cannot do it while you are standing.

Mr. Deputy Speaker: Well, you go ahead and stand. Can you tell me to what part of the Bill you are referring?

Mr. H. Bereaux: We are talking about superannuation for prison officers and today in the newspapers, if you want me to read it: Chief of the Prison Service was heard to have said that it was because of the reduced number of the prison service that were on duty at the time, why certain criminals from Death Row escaped.” I welcome this particular provision, but I hope that not only will we have more money for the prison officers—*[Interruption]*

Hon. Members: Hedgy sit down!

Mr. H. Bereaux: Mr. Deputy Speaker, I am speaking to you and the—*[Interruption]*

Sen. The Hon. W. Mark: I am listening.

Mr. H. Bereaux: I am speaking to you, Mr. Deputy Speaker, and I am being interrupted by the squatter from Arima. *[Interruption]* As I was saying, the point is that we have a situation in the prison service today where what is needed is not only better superannuation, but we need more prison officers. When you have a government that came into power on those who committed the crime would do the time, we have a situation now in the prison service where you cannot even keep them in. You cannot! This is the first occasion in the history of Trinidad and Tobago where persons on Death Row have ever escaped.

I was reading in the newspapers today that the people who are living in those areas are traumatized; they are afraid to say anything. Although we support this Bill and the superannuation, the behaviour and performance of this Government must be called into question when we have a situation like this. We have had a situation where people leave—*[Interruption]*

Mr. Deputy Speaker: Hon. Member, no offence, but I am really at pains to see the relevance. I am trying to see the relevance.

Mr. H. Bereaux: I can understand.

Mr. Deputy Speaker: I am hearing about superannuation, but I am not seeing relevance to the Bill.

Mr. H. Breaux: I could understand your trying.

Mr. Deputy Speaker: I am trying my best. Could you kindly get to the Bill.

Mr. H. Breaux: I could understand your trying, but it is not my fault if—anyhow. [*Crosstalk*]

Hon. Member: That is why Mr. Valley did not want you to speak.

Mr. H. Breaux: Mr. Deputy Speaker, I am trying to speak to you and you have these persons, who are not going to be in this House in 2001, who are interfering with me.

Dr. Griffith: “Yuh want to bet Arima.

Mr. Deputy Speaker: Order!

Mr. H. Breaux: I am putting it to this honourable House and I think I am entitled to do it, because we are speaking about superannuation and why there is short staff in the prison service; it has, obviously, got something to do with salaries. If you and this Government, Mr. Deputy Speaker, do not think that it is important to talk about an islandwide man-hunt for three persons who were convicted and escaped from Death Row in a situation where the officers were supposed to have visited those cells every 10 minutes, if you do not think that is important and you do not think we should speak about it in this House—[*Interruption*—then you could tell me!

Mr. Deputy Speaker: Member for La Brea, have a seat please. We all think it is important, but people attach certain importance to various things. Right now what is important is what we are discussing, superannuation benefits on the Bill. If you had such a desire and think it was so important, you could have raised it earlier as a Matter of Definite Public Importance, as you normally do. Right now I am trying to see the relevance of this jailbreak versus superannuation benefits. I would like to get back to the Bill and I would like you to do so too. This is my last advice.

Mr. H. Breaux: Thank you, Mr. Deputy Speaker, we can now get back to the Bill, and you can do that if you want, but having heard about the man-hunt and having dealt with it, I am satisfied. I will take my seat now.

Thank you. [*Laughter*]

The Minister of Public Administration (Sen. The Hon. Wade Mark): Thank you, Mr. Deputy Speaker. I also want to thank my honourable colleagues, the members for Laventille East/Morvant and La Brea for making their very limited contribution on this very important matter that has been somewhat trivialized by a very unfortunate—[*Interruption*]

Mr. Bereaux: Do not tell me that this is trivial.

Sen. The Hon. W. Mark: Mr. Deputy Speaker, this is a very important measure that we have introduced here this afternoon and both the First and Second Division prison officers of this country have been struggling, in fact, fighting for this measure for a number of years. I am proud to know that this administration of the United National Congress—because it came in 1989—was the organization, the Government to bring this legislation to Parliament to pay our prison officers up to parity with their colleagues in the protective services—the fire service, the police service and so forth. [*Desk thumping*] I think that this is a major advance that we have recorded here.

National security matters are being dealt with by the Ministry of National Security. That matter which you have raised is being addressed. At one time I got the impression that the hon. Member for La Brea was attempting to indicate to this House, in a very convoluted fashion, that because these prisoners escaped it is as if he wanted us not to provide the prison officers with their superannuation benefits.

Mr. Bereaux: That is not so!

Sen. The Hon. W. Mark: It was as if he was against the prison officers enjoying their superannuation benefits; I thought so; that is the impression I got. [*Crosstalk*]

Mr. Deputy Speaker, having regard to the very important support that we have received from the Opposition, I beg to move.

6.00 p.m.

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 15 ordered to stand part of the Bill.

Fifth Schedule.

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

Mr. Mark: Mr. Chairman, I beg to move that the Fifth Schedule be amended as circulated.

First Column
Fifth Schedule

Second Column
Extent of Amendments

Rule 6

Insert after rule 6 the following new rule:

“Service for less than ten years 6A. An officer who is not disabled within the meaning of rule 5 and who has—
(a) attained the age of fifty years;
(b) served in the Service for more than five years; and
(c) retired from the Service, may be granted a gratuity not exceeding 1/24th of a month’s pay for each completed month of service.”

Question put and agreed to.

The Fifth Schedule, as amended, ordered to stand part of the Bill.

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

House resumed.

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

POLICE COMPLAINTS AUTHORITY (AMDT.) BILL

Order for second reading read.

The Attorney General and Minister of Legal Affairs (Ramesh Lawrence Maharaj): Mr. Deputy Speaker, I beg to move,

That a Bill to amend the Police Complaints Authority Act, No. 17 of 1993 and for matters connected therewith or incidental thereto be now read a second time.

Mr. Deputy Speaker, the purpose of these amendments is to extend the jurisdiction of the Police Complaints Authority to enable it to deal with complaints made against members of the Special Reserve Police and Municipal

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Police and to provide for disciplinary action to be taken with respect to these officers. To ensure accountability on the part of the authority by imposing specific guidelines as to the keeping of the authority's accounts and financial records, to authorize the Police Complaints Authority to investigate complaints made in writing and outside the form as prescribed by the principal Act, and to amend the principal Act to allow for information to be given to a complainant upon disposition of a complaint whether the authority is satisfied with such disposition or not.

Question proposed.

Mr. Fitzgerald Hinds (*Laventille East/Morvant*): Mr. Deputy Speaker, I noted the haste with which the Attorney General went through that introduction, it says many things.

Mr. Deputy Speaker, I pause to permit the visitor with us to take his leave. One of the things that I garnered from the Attorney General's hasty introduction of this Bill is that he does not consider this very important. If it had something to do with the Judiciary, he would have been longer, but the improvement, or the measures that this Bill proposes, he obviously does not consider them near and dear to him, but we do, as we did in the previous Bill.

Mr. Deputy Speaker, we indicated that we see nothing wrong conceptually, or in principle, with Special Reserve Police Officers being brought into the ambit, or the purview of the Police Complaints Authority which essentially, is what this Bill is all about. It moves to cause them to be more accountable. As it stands today, they are accountable like any other citizen of this country, in fact, like most other citizens, they are accountable to the law of this land. That is to say, if a member of the Special Reserve Police, or the Municipal Police commits an offence, as happened a few days ago. I think it was last week when a Municipal Police Officer in San Fernando apparently misdirected himself and his actions, and today we are told he will be charged for a serious offence. I cannot dwell on it too much. But he was accountable to law for his actions, and so would SRPs and most other persons in this society. The number of those who are not so accountable is increasing, and has increased since November 1995, but that is a separate matter.

Mr. Deputy Speaker, as it stands today, if an SRP breaches the regulations, and strangely—they are guided by the regular police service regulations—the spirit of it is what guides the conduct of the SRPs and if he breaches that code or acts in an indisciplined fashion in the course of his duties or otherwise, he will be brought before a disciplinary committee headed, I think, by the adjutant who is the person responsible for the operations of the Special Reserve Police and he would be dealt with. Of course, we are talking about suspension and dismissal in the graver cases.

What is happening with this legislation is that it makes them more accountable because the Police Complaints Authority, that body which is set up to take complaints, investigates them and makes recommendation as it sees fit, in an attempt to satisfy members of the public who use the police service to deal with the various problems they may have or encounter. Many SRPs consider this development to be unfair. They find it unfair because they appreciate more than any, that they operate and work through the country: the SRPs who police the Environmental Management Authority, those here in Parliament, all over the country. I understand that the entire fleet of highway patrol officers are SRPs. They do serious and dangerous work and they consider it to be unfair because here is a measure to improve scrutiny in respect of them and to increase their accountability, and to this date nothing has been done to balance the scale insofar as improving benefits to them. [*Desk thumping*]

The Minister of Public Administration, our visitor, disturbing as he might have been, who is still here, unfortunately, sat in the very Cabinet that would have agreed on this proposal and I am sure that he had nothing to say about improving the benefits for the SRPs.

Mr. Deputy Speaker, any modern manager understands that the approach to modern management is twofold. There is a system of rewards and a system of punishment or discipline where necessary. Here is the Government weighing in favour of scrutiny, accountability and punishment ultimately if necessary, and nothing is advanced to improve the lot of those who this will affect.

Clause 5 of this Bill makes a simple change. When a person makes a complaint to the Police Complaints Authority, ordinarily it is done in person. They go into the office and speak to one of the appropriate officers, the complaint is documented on a certain form which is sent out for investigation. Clause 5 of this Bill says that that form is no longer strictly necessary. If a person sends a letter, or writes it other than on the form, the person's complaint will be given attention. A minor matter.

Mr. Deputy Speaker, if we expect a high standard of discipline from officers, it means that we have to concern ourselves with their morale. Those in charge of the administration of the SRPs and the regular and municipal police officers must give special attention to their morale because it is obvious and self-evident that these are human beings and if they feel better about themselves, their work and working conditions, obviously they will perform more efficiently, more happily and are less likely to breach the codes of discipline to which they are subject. So working conditions are very important, not only for Special Reserve Officers, but all police officers.

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Mr. Deputy Speaker, interestingly, and we all know that the SRPs work alongside their regular police counterparts. They are in the police stations, and all over as I indicated before. Take for example, those would be posted at the Tunapuna Police Station who we bring further accountability in respect of here today. They too, are today, just like their regular police colleagues, without a home, without a place of work, without a base and for those of us who are remotely aware, it is not just the charge room that is involved in a police station. There are dormitories, resting facilities, meal preparation facilities and all that, so the whole package goes together for a person to feel comfortable.

Mr. Deputy Speaker, strangers would not know, but we have seen recently, some improvements in conditions in our tea room, and it does make for a better feeling and environment, and the same exists with police officers. The SRPs who are attached to the Tunapuna Police Station and their regular counterparts are now faced with the situation where I said, because of the very dilapidated condition of the Tunapuna Police Station they pulled out and want some place to be housed.

Mr. Deputy Speaker, a Member raised the matter. The Tunapuna Post Office was refurbished and made good again when the Tunapuna Administrative Complex then housed the post office personnel and its operation. The police in Tunapuna indicated to their Member of Parliament that they would like a better working environment, and with the help of the Member of Parliament and those who ought to know, they identified the post office as a good and comfortable location, not only for their own needs, but also a convenient location so that they can serve the public, those living in Tunapuna and its environs.

6.15 p.m.

Mr. Deputy Speaker, alas, the United National Congress and their hangers-on that form the Government decided, contrary-wise, that good solid and logical position is rejected by that Government and they have decided in the following terms. The Member of Parliament for St. Augustine boasted to this nation, on diverse occasions, that so good a Member of Parliament he is; so certain that he will be returned to office, he had not been to his constituency for nearly 20 years. We told him 15, he corrected us, and said not fifteen, 20 years. He boasts, as he insults his constituents. The Member for St. Augustine has not been there.

For the last four years since we have been in this honourable House, he has, according to him, been without a constituency office—God knows where he sees his constituents, if they see him at all.

Mr. Assam: Do not worry about that, worry about your own.

Mr. F. Hinds: Mr. Deputy Speaker, this Government has taken the absurd decision to rather than make this refurbished public building available to members of the police service and the Special Reserve Police Officers. Instead they have made it available to the Member for St. Augustine for his constituency office. How absurd? So when we should have been looking at the interest of the hardworking and dedicated Special Reserve Police Officers, and the community in respect of their access to police protection, this Government decided that it would favour one man, the Member for St. Augustine, and there it is.

Mr. Deputy Speaker, this is the last year of this Government's term; they are on their way out! *[Desk thumping]* So a constituency office for the Member for St. Augustine ought not to be so critical, so important, but they insist on it at the expense of the police and the people. They have friends who propose to add insult to injury or, as the old people used to say, "who wish to add salt to injury". They want to offer the police officers some rejected building at the back of some industrial complex. The police officers—out of curiosity saw it themselves and they say, "we do not want to go there at all!" *[Interruption]*

Mr. Assam: That is not true! Speak truth!

Mr. F. Hinds: Mr. Deputy Speaker, the Member for St. Joseph—*[Interruption]*

Mr. Assam: Mr. Deputy Speaker, the hon. Member would get lockjaw for not speaking the truth.

Mr. Sudama: He will get a spirit lash. *[Laughter]*

Mr. F. Hinds: I will ignore the Member for Oropouche. We, on this side, are aware that he is incapable, incompetent and, indeed, impotent, in a metaphorical sense at the least. *[Laughter]* Therefore, he would be unable to give anybody any lash. *[Laughter]* But, Mr. Deputy Speaker, I crave your protection from him, notwithstanding. *[Laughter]*

Mr. Deputy Speaker, while we enjoy a moment of conviviality and a moment of laughter, serious business is at hand. Rome is burning in the metaphor because the people of Maitagual in the very constituency, have had the displeasure of facing armed and mass bandits three nights for the past week. They have visited Sunday, Tuesday and Wednesday different homes in that very area, and the people cannot get access to the police for the reasons I have outlined. So this is a serious state of affairs and this is a Government that came to this country saying: "If you do the crime you must do the time", on a platform and a bandwagon of crime solving.

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As the Member for La Brea pointed out earlier today, not even those who are already held and in custody and convicted on death row they could keep. [*Desk thumping*] Even those they allow to walk out. I say this against the background of real solid proven fact. Clint Huggins lost his life during the term of this Government, while he was in safe custody in this country, and this Government talks about crime. We know who the criminals are, so we would not be fooled, and the people are becoming far wiser. When generous “santa” from Tunapuna made the offer of the police station and others, the people saw through it, and will not be moved.

The people in Tunapuna and its environs are asking—and the SRPs who are there to assist them, those who we seek to put scrutiny and accountability in respect of today—who next? Nobody knows tonight who the bandits would pay a visit and the police officers are there wanting to do their duty but are obstructed by the UNC Government because the Member for St. Augustine wants to be comfortable in the most convenient location for their police station. But such is the life: in the twilight of their governance, in the twilight of his life, and most certainly, Mr. Deputy Speaker, his political life.

The Special Reserve Police Officers are not in receipt of any pension. Do you know the Minister of Public Administration came today and spoke about putting—and we supported it—we made no noise, we made no fuss, we argued nothing, we supported his measure in full, to improve the lot of the prison officers. But we want the same for the special reserve police officers, and municipal police officers as well. [*Desk thumping*] [*Interruption*]

Mr. Assam: I do not have a stadium to build—

Mr. F. Hinds: We want to know why that Minister would sit in a Cabinet and come here with a bright grin like a Cheshire cat, and when he had an opportunity—[*Interruption*] I am hearing the Englishman from St. Joseph, with the mid-Atlantic accent. [*Laughter*] I am hearing him. And I remember him well, you know. My political leader saw it as well—[*Interruption*]

Mr. Assam: Sojourn in England. Envious.

Mr. F. Hinds: I was in England at that time but I did not see it. They were so unkind to him, they broadcast the footage in Trinidad here: A boy accosted the Political Leader—the Member for San Fernando East—and asked him, “Who is that clown on the TV there?” Of course, the Political Leader looked and he was most surprised to see it was the Member for St. Joseph, in top hat and tails, as he presented his credentials in that country. Of course, it was not the Political Leader’s language; it was the language of the little boy. You must get that clear. I never said the Political Leader said so. You know how you all twist, contort and distort.

Mr. Deputy Speaker, I will not be detained by him, let me continue with the people's business. The Special Reserve Police Officers are not in receipt of gratuity or any long-term benefits, for as long as they work alongside their male counterparts, at the end of the day, there is nothing for them.

Mr. Assam: That is not true.

Mr. F. Hinds: They are able to attend the police clinic, they can go to the police doctor, but by no stretch of the imagination are the benefits available to regular police officers, available to them. *[Interruption]*

Mr. Assam: You do not know what you are talking about.

Mr. F. Hinds: You see, there the Member for St. Joseph goes, he must have been an SRP himself. *[Interruption]* Yes, yes. In fact, shortly, when he departs from this honourable House—no, he has passed the age—*[Laughter]* But those who work diligently in that unit—and I know many of them—maintained that they are not fairly treated. In fact, I am advised that, as we speak, there is a constitutional motion in the courts of this country, brought by members of the special reserve police, arguing that their constitutional right to equality of treatment is not being accorded to them. We will hear more of that.

We do not have to wait for the courts of this country to resolve these simple administrative matters. The Attorney General is in a position to do that. In fact, he said that he has little confidence in the courts, so that it behoves of him to deal with the thing. Most of them are not in receipt of meal allowance—and they find it insulting really—they are not against, they are not opposed to being subjected to a regime of discipline, where members of the public could complain against them if they acted badly in the course of their duties. They have no problem with that. They have a problem with the one-handedness on the part of the Government, in respect of its failure to provide equal and adequate compensation for them if they are injured in the course of the very duty, and in terms of their retirement packages.

6.25 p.m.

Mr. Deputy Speaker, money is not an issue. The Government boasted—up to the last budget presentation by the Minister of Finance—that the economy is strong and growing; things are going very well and we told him on this side yes! It is going well but for a few. I was reminded about the squandermania of \$30 million at the National Flour Mills but that is passe; that is small change. We are now understanding—and I was speaking about the \$81 million that the Government wasted at Chaguaramas for a one night stand and all we got from it was, not Miss Universe—it was Mpule who won—we got Mr. Universe, a preening and proper—

Mr. Deputy Speaker: Member of Laventille East/Morvant, could you just help me out a bit?

Mr. F. Hinds: I am obliged.

Mr. Deputy Speaker: What Bill are you reading from?

Mr. F. Hinds: Mr. Deputy Speaker, we are dealing with an amendment to the Police Complaints Authority Bill 2000.

Mr. Deputy Speaker: That is about complaints against Members and that kind of thing. I just wondered if I have the right Bill in front of me.

Mr. Deputy Speaker: Thanks.

Mr. F. Hinds: I am grateful.

Mr. Deputy Speaker: Go ahead.

Mr. F. Hinds: I was simply saying, in respect of the measures in the Bill, seeking to make special reserve police and municipal police officers more accountable, they find it unkind, imbalanced and unfair, because there is not an equal opportunity taken to improve the conditions under which they work. [*Desk thumping*] And if we are talking about improving the conditions of work, that carries a price tag.

Mr. Deputy Speaker, you will remember that they passed legislation in this House to amend and improve the benefits under the Legal Aid and Advice Act. They kept it on the back burner until the Attorney General, in answer to a question from the Member for Laventille/East Morvant, was able to tell us from April 1, they were able to fund it.

So that one of the things that we look at—sensible analysis of any Bill—it takes us into the realm of managing the Bill in terms of the finances, because Bills cost money. It is not just paper. We are saying that it is a money matter. When we talk about a money matter, we talk about waste and squandermania. I was making the point that the Member for St. Joseph misled the experts at TIDCO; misled the experts who they concocted with the Miss Universe Company and squandered \$81 million. I am saying that they squandered \$31 million in rice; and I was saying that is small change in the scheme of their business. We saw the airport contract moved from a price tag of \$400 million to \$700 million to \$800 million to \$900 million and now it is \$1.1 billion—that Government! So money cannot be any problem for them.

Mr. Deputy Speaker, we have seen on the other hand, 10 or so schools under contract with MTS moved from \$100 million to \$145 million and now \$245 million. Money cannot be a problem for them—they find it! *[Interruption]* So we know in the vileness, indecency and vulgarity of the way in which the Government organize public funds and transfer it to private accounts—they find the money. We understand that.

Mr. Deputy Speaker, the Attorney General for that matter at one time recently had 37 contract officers in his office. He takes advice for everything and from everybody at public expense. He is even taking oral advice. He moves from Malaysia to Heathrow Airport, he talks to two lawyers and that cost us \$284,000.

Hon. Member: What?

Mr. F. Hinds: And as he reached Piarco Airport, he ran into Dr. Fenton Ramsahoye, he talks for 10 minutes and that cost me \$50,000. Then he went to some publicist to get a booklet with a long title which he quotes from time to time, that cost Trinidad and Tobago another \$250,000 *[Desk thumping]* and this is why the special reserve police and municipal officers find this measure good in principle, sound in logic, but ugly in practice—ugly. *[Desk thumping]* *[Interruption]* Mr. Universe, I know you are pretty.

Mr. Assam: Mr. Universe what? What nonsense you are talking about. *[Interruption]* Shameless!

Mr. F. Hinds: Mr. Deputy Speaker, may I continue? May I be protected from the Member for St. Joseph?

Mr. Deputy Speaker: Member for St. Joseph, could you let the Member for Laventille East/Morvant, speak please?

Mr. F. Hinds: Thank you very kindly. While we expect police officers, special reserve police and municipal officers to do their work, there has to be in the country a climate that causes people to feel encouraged to perform. I heard an elderly citizen a few weeks ago say, that one of the great achievements of Dr. Eric Williams and the PNM in his time—and it continues to be so—was, the fact, that Dr. Eric Williams brought a light, and a beauty and a hope to this country; it made every single man, woman and child feel to work and the nation rallied. *[Desk thumping]**[Interruption]*

When you look at the teachers in this country today, the public servants and the cane farmers now, up and down this country there is unrest; there is destabilization; there is lack of confidence because this Government has created

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an aura of discontent. People are unhappy; people feel in their stomachs, not disease, a dis-ease about the UNC and they are keen to see the back of them, and they urge the PNM on so that we can do our part to ensure that we see the back of that Government with haste. *[Desk thumping]*

Mr. F. Hinds: So—

Mr. Assam: So keep quiet you have nothing to say.

Mr. F. Hinds: The Prime Minister told us sometime ago, when the Barbados and Grenada elections went—the Prime Minister stood in this Parliament and told us, look at Barbados and Grenada, so and so won and one could see the trend and we should understand what is happening in Trinidad and Tobago. I want to tell the Prime Minister one thing. I saw a few days ago, the former Prime Minister of Pakistan was jailed for life. I want him watch that and follow that trend—the rate they are going!

Dr. Griffith: What does it mean?

Mr. F. Hinds: What does it mean? I do not know, time will tell. What I do know is that a tremendous amount of public moneys are being squandered, wasted and twisted in this country and time will tell.

Mr. Deputy Speaker, as I was saying about special reserve police, we need to do something seriously about that. So, in short, we support the measures here. We are saying categorically, that we feel that these officers too should be accountable in the sense that the Police Complaints Authority makes them. We are taking this opportunity yet again—and we do not want to hear the Attorney General or any of the speakers on that side—if they intervene—coming to tell us about what we did not do for 30 years and all of that. *[Interruption]* Do not come to tell us that. Because you see, I always tell people—*[Interruption]* I will answer it—we built this city. *[Desk thumping]* The logic is simple but forceful. The logic is this: if we built a highway or roads across this country and 20 years later there are potholes and they need patching up.

Mr. Deputy Speaker: Member for St. Joseph, there is a certain part of the Standing Orders that deals with order in the House. I think you should read it. Member for Laventille/East Morvant.

Mr. F. Hinds: I am most grateful for your protection from him. I was saying, the logic is a simple bit. If roads are constructed—highways and byways—and as a matter of the passage of time they deteriorate: there are potholes; then naturally they need repairing. But when someone comes along and fills two potholes and repairs a bridge, they want you to applaud them as though they did it all. *[Desk thumping]* Who built the bridges and the roads in the first place?

Mr. Deputy Speaker, to use a domestic example, it is as if a woman lived with a man for 34 years and the man constructed a beautiful house for her, and over time the roof got a little leak and the paint became a little worn, and another guy comes along because—he comes and makes a promise and she is carried away by it and he paints over the house, and she says, you see how good the second man is? But she did not remember the fellow built the house and put on the roof in the first place. That is the point.

Mr. Deputy Speaker, we introduced universal pensions in this country. So if the Government improve it by \$80—so what! *[Interruption]* I do not want the Attorney General or any of the speakers on that side coming to get up now—and in an effort to justify their incompetence—to tell us that we should have done this.

It is your time now you ought to do it. You have palpably failed and it will be left to us to continue to do it. Great are those on this side. I was about to say: great is the People's National Movement (PNM), but I would not say that in this House. I will say great are those on this side and we shall certainly prevail and rescue this country from the hands of the UNC and their incompetence in the near future.

6.35 p.m.

In closing, Mr. Deputy Speaker—*[Interruption]* Mr. Deputy Speaker, I need your protection. I want to close but I need you—*[Interruption]*

Mr. Deputy Speaker: Close, close. Member for Laventille/East Morvant please close. Please close. The Member for Diego Martin Central is asleep while you are closing. *[Laughter]*

Mr. F. Hinds: You did not observe; he went to sleep a long time ago. Sleep might be a good option for many. If we could only have slept through the last four years, life would have been less painful, but we the PNM kept awake and vigilant and we will be working against them for the next few months.

Mr. Deputy Speaker, we support the measures in the Bill. We urge the officers of the municipal bodies; we urge the officers of the Special Reserve Police Unit to be diligent and to do their work as they have done, to improve their efficiency. But we, by similar token, ask this Government to be more caring, to be more sensitive to the needs of the people and do not pretend, because we are seeing them plainly, and it is high time that action be taken to improve the lot of the police officers of whom we spoke today: the Special Reserve Police Officers (SRP). We are extremely disappointed that they did not take this opportunity to rectify that serious situation. We place our disapproval on record. That apart, we support the measures in the Bill.

I thank you, kindly. *[Desk thumping]*

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Deputy Speaker, I think the hon. Member for Laventille/East Morvant has made a very telling contribution in this House, in that, he has shown how the PNM has been incompetent and inhumane in treating Special Reserve Police Officers in a way in which they should not have been treated for the years the PNM had been in government.

As a matter of fact, this injustice to Special Reserve Police Officers, by a callous government, over the years has caused the destruction of lives of special reserve police officers and their families. They reduced special reserve police officers to inanimate objects. These police officers were not given vacation leave, sick leave, maternity leave and casual leave. They were not given pensions.

Notwithstanding the cries and the pleas of the wives, the children and the special reserve police officers, the PNM remained asleep. They were heartless, Mr. Deputy Speaker. [*Desk thumping*] They were not concerned with the lives of these people they were destroying. Everyday they got up and they looked at the mirror before they went into the Cabinet. They were not concerned about these people. They were seeing themselves in the mirror, but they were not concerned about themselves. Here it is today, Mr. Deputy Speaker, the hon. Member for Laventille/East Morvant has come and he has painted the true picture of the people with whom he sits. They were there, they were not concerned and they did nothing about it. As a matter of fact, Mr. Deputy Speaker, this is not something to play with. I agree with him. He has, today in this House, likened them even to road, bridge, roof and house—yes they were there, they are just like a road that one builds, like a pot hole that one repairs. He has likened special reserve police officers to road, bridge, roof and house. Mr. Deputy Speaker, there was only one thing, in that, bridge, roof and house have wood. That is exactly what he and his government were giving these special reserve police officers. [*Laughter and Desk thumping*]

Mr. Deputy Speaker, in this House we came here to discuss a Bill—
[*Interruption*]

Mr. Imbert: Mr. Deputy Speaker, on a point of order. Is "wood" a parliamentary expression? I think that is unparliamentary language. What does "wood" mean?

Mr. Deputy Speaker: I will check and I will let the Member for Diego Martin East know what "wood" really is. I will let you know after.

Hon. R. L. Maharaj: I am very surprised that a construction engineer does not know the meaning of “wood, house and roof”. If it is that he has a one-track mind and if it is that he is offended because I say the PNM was giving roof, wood, house and everything to the special reserve police officers, I am very sorry.

Mr. Deputy Speaker, I think he should remember what Mr. Elias gave him.
[Laughter]

Mr. Deputy Speaker: Order, order!

Hon. R. L. Maharaj: Mr. Deputy Speaker, the hon. Member for Laventille/East Morvant has decided to introduce this issue in this debate. I did not think that this is a Bill in which the Government could have announced what it has done, is doing and will do for special reserve police officers. But since he has introduced it—because you see, this Bill has to do with a Police Complaints Authority Act which was passed in 1993 by the PNM government.

The Act was deficient and the Police Complaints Authority, in its last report, pointed out those deficiencies. Because of those deficiencies, we have come to the Parliament to amend the Act. That is what these amendments are about. We did not think that this would have been the reason or the opportunity, to announce what Government has done and will do for special reserve police officers. But since he has raised it, I will be failing in my duty to tell this honourable House—I am very sorry that the hon. Minister of National Security is not here because he could not come here today. I would not disclose all, because I think the Minister of National Security would have to give the particulars.

The Opposition, in the last Parliament, raised the concerns of special reserve police officers and asked the last government to intervene and arrest this injustice. The last government took the position that it was not prepared to intervene. It was not prepared to redress the problem. Under the Special Reserve Police Act, special reserve police officers are people who are supposed to be called out for a short amount of time. What has happened over the years—is it a short number of hours?

Hon. Members: Hours.

Hon. R. L. Maharaj: I cannot remember how many hours.

Hon. Members: Four hours.

Hon. R. L. Maharaj: What has happened over the years is that this temporary set of special reserve police officers, over the years became police officers who worked alongside the police; doing the same duties substantially, what police

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officers did. For 10, 15, 20 years they have been doing that. They have been doing that but not getting the benefits—something that we have talked about—which the ordinary police officers get. This injustice—because without the leave, pension *et cetera*—these people were working and doing this: doing patrols, facing all the risks and hazards that any ordinary police officer faces. We believe it was a grave injustice. Nothing was done.

What did we do when we got into office? Cabinet set up a committee. Up to last Saturday this committee had been meeting and having consultations and discussions. There are at least 1,000 special reserve police officers—[*Mr. Valley rises*] wait, just now—who have been affected by this practice. We met. We had consultations and discussions *et cetera*. It was only last Saturday, at a special committee meeting of the Legislative and Parliamentary Committee in which we had all the people there, and a proposal was taken to Cabinet after the last three years—consultations, discussions because it was not an easy task but at least the Government decided to deal with it. The Cabinet agreed on Wednesday that, in principle, special reserve police officers who fell into that category would be treated as ordinary police officers [*Desk thumping*]

Hon. Member: Yuh see government?

Hon. R. L. Maharaj: Subject to certain requirements they would get all the benefits as ordinary police officers.

6.45 p.m.

So, Mr. Deputy Speaker, how could that hon. Member for Laventille East/Morvant, in conscience, get up and say that this Government is not concerned and was not concerned about special reserve police officers, when he knew that the People's National Movement and the party in government did not attempt to even deal with the problem, could not confront the problem, was afraid to deal with it. Here it is, we took it on, we consulted and discussed it with the Chief Personnel Officer, the Police Officers' Association, different organizations and the police themselves, and were able to come up with a solution to the problem. [*Desk thumping*]

Hon. Member: Deal with the injustice!

Hon. R. L. Maharaj: He gets up here and says that, but he has not given an explanation. They are so brazen face and contemptuous of people; they have massacred the lives of special reserve officers and their families. They have gotten them sick psychologically, they have even got them to have to attend mental institutions, some of them, and because of these problems they have sat

there and allowed these police officers' lives to be destroyed and they come to this House and do not make an apology for the special reserve police officers and their families.

Well, I feel so ashamed of them that we would apologize for them. [*Desk thumping*] For the lives of the special reserve police officers that the last government has destroyed, we apologize for them. The children who were not able to go to school, who lost their education, we apologize to the parents and the children.

Hon. Members: Insensitive!

Mr. Sudama: Their tears would fall on them!

Hon. R. L. Maharaj: Mr. Deputy Speaker, look at them, they are laughing! They are laughing; look at them. They are laughing. Serious matters and they are laughing. Children's lives have been destroyed and they are laughing. "Ting" to cry about and they are laughing! [*Desk thumping*] People who have worked for 15 and 20 years, going to face bullets and everything, special reserve around the Parliament, the Prime Minister's residence and the building, working like police officers, begging and they cannot get it, and you are laughing!

Mr. Valley: Mr. Deputy Speaker, if the hon. Minister would give way. [*Crosstalk*]

Mr. Deputy Speaker: Is the Member giving way?

Mr. Valley: Mr. Deputy Speaker, I wonder whether the Minister is aware that as late as about three weeks to a month ago, my colleague, I think it was the Member for Tunapuna, raised this issue with respect to the special reserve police. The Minister of National Security got up and said, categorically, that they were not full members of the police service and that if they wanted to enjoy the benefits and rights then they should become full members. [*Interruption*] One second; at no point in that contribution did the Minister of National Security say anything whatsoever about the Government looking at the issue or anything of the sort. [*Crosstalk*]

Mr. Assam: Do you expect him to pre-empt the Cabinet?

Mr. Valley: So, obviously, if something is now done, it has to be at the initiative of the Member for Tunapuna. [*Desk thumping*]

Mr. Assam: Nonsense!

Hon. R. L. Maharaj: Mr. Deputy Speaker, look at that attitude, and they want to be the government! They want to be the government!

Hon. Members: We will be!

Hon. R. L. Maharaj: Look at those set of people; the hon. Member for San Fernando East is correct, not one of them should be on the ticket for the next election. [*Desk thumping*] [*Laughter*] As a matter of fact, the hon. Member for Laventille East/Morvant got up and spoke, but he knows that he is not on the ticket. [*Laughter*]

The hon. Member for Diego Martin Central was in the Cabinet, he is coming now in Opposition to rely on that, that the hon. Member for Tunapuna said something. He was in Cabinet to solve the problem of the SRPs; he could not get up. I sat, I thought that he was going to get up and say, “ Well, while I was the Minister I took the step in order to solve this problem, that my Prime Minister at the time, the Member for San Fernando East, was concerned when all these people were crying and children were suffering.” That is what I thought he was going to say, that he was concerned and he raised it in Cabinet; he brought a Cabinet Note. But I searched, I searched and searched and did not find any Cabinet Note taken by the last administration in order to deal with this problem.

Now he wants to say, hear his logic: [*Laughter*] for the last two or three years the record would show that all the steps have been taken by this government to regularize this situation and the Minister of National Security said what he said. The Minister was totally correct; he was telling you that this is what had to be done and he was, in effect telling you that you could not do it, but he would be able to do it. That is what he was telling you. [*Desk thumping*] But the Member comes today and he does not want to say what he did. If he wants to say what he did, he would file a motion and come and tell us what he did; and if he did we will answer him. That is enough about special reserve police.

Mr. Deputy Speaker, hear the other logic of the People's National Movement—that is why I think that I admire the hon. Member for San Fernando East tremendously. He is a great Opposition Leader, because he knows how to deal with his flock. I think what has happened here today is that he is seeing for himself and he must be very happy that he has made the right decisions. His conscience must be very clear. He will go to sleep tonight with a clear conscience and we are very happy for him. [*Crosstalk*]

I am not talking about any kind of Gillette, Minora or Saith; I am not talking about anything. I am not talking about anything like that. I want to talk about what he said about death row persons escaping and Clint Huggins murdered. So on the analogy of this great and distinguished lawyer, the hon. Member for Laventille East/Morvant, he is saying that since death row prisoners escaped and Clint Huggins died, the Government is responsible, is incompetent and we are doing nothing about it.

I want to say on that analogy that when the Commissioner of Prisons was murdered, the People's National Movement was responsible.

Hon. Members: That is right! Yes.

Hon. R. L. Maharaj: The government was incompetent.

Hon. Members: No! [*Crosstalk*]

Hon. R. L. Maharaj: But there is only one thing that he said today which is very, very revealing. When he was talking about incapable and impotent, I said what an admission for any Member of Parliament to make, but he left out incompetent. Therefore, I am very surprised that he, as a distinguished lawyer, could get up in this House and draw such analogy.

One cannot doubt the fact that prisoners have escaped, but does that really mean, that you can come to the conclusion and say all prison officers are bad, that the Government is bad?

Hon. Members: Who said that?

Hon. R. L. Maharaj: If you are saying that the Government is bad, you are saying that prison officers are bad. The Government was not on duty, so, in effect, what you are doing is attacking the prison officers. You are even attacking the police service. There is an investigation being done, the Minister of National Security has told you, and you are aspiring to be an Attorney General! [*Laughter*] He is aspiring to be Attorney General. He goes all over Laventille saying that he is the shadow Attorney General of the next government—[*Laughter*]—[*Interruption*] “Yuh eh know one thing!” “Yuh eh know yuh leader have one red book and a black book.” [*Laughter*] [*Crosstalk*]

Mr. Assam: He is really a shadow in truth.

Hon. R. L. Maharaj: Mr. Deputy Speaker, I really cannot think that the hon. Member could be serious. [*Crosstalk*] I would not deal with all, but I think I have a duty to put something on the record before I deal with some of the parts of the Bill, since the Member misread some of these matters. I will like to put the Bill in its perspective. [*Interruption*]

You were not telling them anything all the time. You are not anxious to go home, you fell asleep. Your ex-deputy political leader fell asleep. You did not want to tell them all the time.

Mr. Deputy Speaker, the hon. Member for Laventille East/Morvant said that there are contract officers at the Ministry of the Attorney General and he is attacking the fact that these contract officers are working there. Under the last administration, posts of legal officers were not filled; vacancies exist and the state has been in jeopardy with legal representation. So according to him, if the commission does not fill the post this administration must do like his administration, do not fill the posts and let Dole Chadee get away and let all the criminals who they allowed to get away, get away under this administration.

Mr. Bereaux: But they got away under you.

Hon. R. L. Maharaj: They should not talk about crime and the fight against crime. I do not want this to be reduced to that this afternoon. We will talk about that on another day. When it comes to legal advice, the statistics and figures will show that under the last administration they spent the most money any government spent on getting independent legal advice outside of the House.

He comes to talk about that, but he has an interest to serve. He has connections working in certain departments and he must disclose his interests when he talks.

Mr. Bereaux: Your firm gets work from the Government.

Hon. R. L. Maharaj: Then again, he has come here, he has not prepared his contribution and he gets up and makes some wild statements. Let me put this Bill in perspective in the light of what he has said. [*Crosstalk*] He does not understand the accountability in this Bill. He is talking about accountability of special reserve police officers. The accountability is under the 1993 Bill which was passed by the last administration to set up the Police Complaints Authority. This independent body was given the power to address complaints about the police service. The Bill did not have the municipal police and the special reserve police officers as part and parcel of the persons about whom the public could complain. Therefore, this is what, in addition to other things, this Bill does.

When the annual report of the Police Complaints Authority for the period May 01, 1998—April 30, 1999 was released it stated that the Police Complaints Authority received 1,286 complaints from 769 complainants. This result was a significant decrease in the number of persons making complaints to the authority, there having been 1,223 complainants in 1996 and 1,226 in 1997. So one would see a decrease in complaints to the police service under Minister Theodore.

The Police Complaints Authority has also been able to report significant decreases in the number of complaints made to the authority. There has been a 90 per cent reduction in complaints relating to nonpayment of maintenance by police officers. So there is a decrease, a 70 per cent reduction in complaints of failure by officers to investigate reports by members of the public and a 75 per cent reduction in complaints of battery by police officers. There have also been reductions in complaints of harassment, impolite behaviour and failure to produce a warrant upon request to search.

On the analogy that the Minister as a Member of the Cabinet is politically responsible for the police service, its management and so forth, one would, therefore, see that because of the actions of the Minister there has been an improvement in respect of the functioning of the police service. There have been less complaints.

7.00 p.m.

So on what basis did the Member for Laventille East/Morvant make the statements where he alleges that we did not do anything about the Special Reserve Police? That is untrue, and so is his allegation that the police service has gone worse, and there is no management—

Mr. Hinds: Who said so?

Hon. R. L. Maharaj: Mr. Deputy Speaker, he cannot even remember what he said. We include the Special Reserve Police and Municipal Police Officers under the jurisdiction of the Police Complaints Authority.

With respect to this Bill, the amendment would also produce accountability of the authority and that is what this Bill does. Not accountability of the SRP officers, accountability of the authority.

Mr. Hinds: I thank the Minister for giving way. When I spoke about accountability, I used the word in a particular sense. I said that the officers are now made accountable in the sense that the Police Complaints Authority's Act envisages, that is to say they are now subject to the scrutiny of that legislation. That is the context in which I spoke of accountability.

Hon. R. L. Maharaj: Mr. Deputy Speaker, I am very glad that he was persuaded to change what he already said. The Police Complaints Authority's fund consists of such sums as appropriated by Parliament from time to time. The amendment introduces this new section 17A and 17B providing for the auditing of the authority's account. This section now requires that all accounts and records be kept in accordance with internationally and locally recognized accounting standards and practices.

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The authority is to be audited annually by the Auditor General, or by an auditor authorized by him for such purposes. Such audited statements accompanied by a report dealing with the activities of the authority during the financial year must be submitted to the Minister annually, the Minister shall then cause a copy of the annual report and audited statement to be laid in Parliament. We also dealt with respect to the making and disposition of complaints.

Mr. Deputy Speaker, what was the basis of this Member for talking in this House today? There was no basis. He misled himself and he painted a true picture of his party in government and I congratulate him for that, because it does not take an ordinary man to do that, it must be a brave man and I commend him for his bravery in saying that his colleagues in government are incompetent, inefficient, inhumane, and not concerned for Special Reserve Officers. As a matter of fact, I congratulate him because what we had talked about in Opposition, they could not have done it, and we have done it.

Mr. Deputy Speaker, today is a very historic day in this Parliament because the Opposition also supported us in the principle that there must be time-frames for judicial decisions and I congratulate them for that. Out of all this, in which the Member has done the Parliament a disservice, his party a disservice and himself a disservice, there is light in that he has come and exposed the PNM.

In closing, this Government agrees its heart was with the SRPs from the time it took office. This is a problem which the Government in Opposition fought for, its heart was there, it had the commitment to solve the problem and it tried. There were many oppositions to it, things were put in the way and we overcame all those obstacles. In principle, they have been regularized, the Minister of National Security, in due course will make a full announcement on the matter, but at least, they can rest assured that their children will not suffer in the way they suffered under the PNM administration. They would know that their wives and children would have security and would not go through the trauma they went through under the last administration.

Mr. Deputy Speaker, I hope that as the Opposition goes into a very important period in the history of this country, when they get up on mornings and look at themselves in the mirror they must say: "I want to do something that my children would be proud of, and I want to talk the truth to the country, Lord do not allow me to talk untruth."

Thank you, Mr. Deputy Speaker, I beg to move.

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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 8 ordered to stand part of the Bill.

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

House resumed.

Bill reported, without amendment, read the third time and passed.

ADJOURNMENT

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Deputy Speaker, I beg to move that the House do now adjourn to Friday, April 28, 2000 at 1.30 p.m. This will be Private Members' Day and I assume we will be dealing with the Administration of Justice.

Mr. Deputy Speaker: Before we adjourn, there are two matters to be raised.

San Juan/Laventille Corporation (Non-release of funds)

Mrs. Eulalie James (Laventille West): Mr. Deputy Speaker, thank you for affording me the opportunity to raise the matter on the Motion for the Adjournment as it relates to the adverse effect of the non-release of funds for road improvement works and other projects at the San Juan/Laventille Corporation or any other corporation.

Mr. Deputy Speaker, it is our understanding that the rationale for the changing of the fiscal year was to ensure releases in a timely manner so that work of a construction nature and road resurfacing could be done during the dry season which runs from December to May. We are now in April 2000, six months into the fiscal year and to date, there have been no releases, particularly as it relates to road improvement works.

The Diego Martin Regional Corporation is so adversely affected that after having made several inquiries to no avail, moved a motion at its statutory meeting of February 2000 calling on the Minister of Local Government to secure immediate releases for its road resurfacing work. The motion further spoke of the

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delay in terms of hampering the corporation in the discharge of its duty to its burgesses. This complaint runs throughout other corporations. In the case of San Fernando, not one red cent has been received for its development programme 2000, and the same can be said of Port of Spain.

Mr. Deputy Speaker, Port of Spain is the capital city of Trinidad and Tobago and the Government has a duty of care to ensure that the city of this country looks a certain way, that all who enter would be pleased and encouraged to return. The Government has shown interest in the tourism sector, and as such, how Port of Spain looks should be an important factor. When we look at the disparity in allocations between the UNC controlled councils and the PNM-controlled councils, it is thought provoking. It leaves one to wonder. For example, why would the Chaguanas Borough Council be allocated \$5.4 million as against Port of Spain, the capital city, \$4 million.

We note that the Tunapuna corporation is the largest corporation with nine constituencies to service, yet the allocation to this corporation is among the lowest, \$2.285 million. The situation is ridiculous. In some cases, the figures to the UNC corporation could be quite deceptive; moneys are siphoned through them to do road works in PNM-controlled corporations, as was the case in the repair of the Maryland Road. Mr. Deputy Speaker, all I can say in relation to that road is that the last state of the road is worse than the first.

We note that San Juan/Laventille Regional Corporation is allocated \$5.1 million, but we also note that part of that allocation, \$2 million to be exact, is to construct a new market. We recall that the last allocation of \$3 million went towards the restoration of Tent City, and let it be noted that we have no problem with that, but we want some assurance today from the Minister that the allocation for the market would be soon forthcoming.

7.15 p.m.

Mr. Deputy Speaker, the present structure is a health hazard. In addition, San Juan/Laventille has received no release of funds for road improvement or any other works, in spite of the fact that estimates were sent to the ministry on four different occasions. I have approached the Minister, verbally, and through several letters, to release funds to repair Laventille Road and other roads in my area in the San Juan/Laventille Corporation. To date, nothing has been done!

Mr. Deputy Speaker, just Wednesday night, residents had the cause to highlight on TV 6, the state of another road in my area. We are mindful of the fact that the court matter that involves Jusamco has been resolved. What then, is

holding up road works! The non-release of funds has created a problem for councillors, especially those in the PNM-controlled corporations. People have been owed moneys since last year, and now councillors are being threatened. Further to this, I understand that some contractors have been owed moneys to the tune of \$5 million each. What is ironic, they cannot find money to give to the corporations but they were paving roads in Rio Claro for the bye-election. I hope some favourable reply would be forthcoming from the Minister.

Mr. Deputy Speaker, the situation is vexatious and in all of this, the burgess is the loser. You see, sometimes they feel when they do these things they are hurting the representatives: in a way, yes, because we represent the people, but it is truly the people who are being hurt. Day-by-day they are complaining about the roads. We cannot do anything because they are not giving the money to the corporations. This has to stop and I hope that the Minister would give us some favourable reply to the matter I have raised. Once again, let me thank you, Mr. Deputy Speaker, for allowing me the time to raise this matter. *[Desk thumping]*

The Minister of Local Government (Hon. Dhanraj Singh): Mr. Deputy Speaker, I can understand the anxiety of the Member for Laventille West. We, as the Members of Parliament on this side, also share those moments from time to time.

Let me respond to some of the matters that the hon. Member raised. I want to put on the record that no roads have been paved in the Rio Claro area during the just recently concluded Local Government Bye-elections. Mr. Deputy Speaker, road works re-started last Wednesday, and it is expected to pick up steam as we get more into it, and as we work closely with the Central Tenders Board to iron out some of the problems that we are facing right now. But let me say that road works have only started last Wednesday.

The Member also spoke about debts owed by the corporation. As far as I understand it, corporations should not incur debt if they do not have the necessary funds. I am very surprised to hear—about the assurance of funds—that San Juan/Laventille is owing contractors to the tune of \$5 million when, in fact, they should only be spending money after they get the assurance of funds.

The Member also spoke about allocation for the market. It is true that moneys have been allocated for the market in this year's budget. We are working assiduously with the Central Tenders Board—and my engineers are in contact with the Central Tenders Board—and a contract would be awarded shortly by the Central Tenders Board because we have gotten the assurance of funds from the Ministry of Finance, so that market would be coming out for tender very shortly.

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As regards to some of the development programmes of the corporations, the Member spoke about San Fernando development programme. I want to remind the hon. Member that somebody stole San Fernando development programme and, certainly, it was not the Minister of Local Government. *[Laughter]* It was stolen right under the nose of the Mayor.

Mr. Partap: Incompetence of the Mayor.

Hon. D. Singh: Mr. Deputy Speaker, in responding to the Motion, physical infrastructure projects are a major concern of this Government, and has been the focus of policy-making initiatives and subsequent implementation by the Government of national unity.

This Government changed the financial year, among other things, to accommodate better project management in this country. We promised to improve infrastructure throughout the country and, to this end, have been providing funding to all ministries and agencies responsible for infrastructural development. Moreover, this Government is utilizing its Public Sector Investment Programme as the principal instrument of providing the infrastructural framework to promote the country's developmental goals and objectives.

At the level of the regional corporations and other municipal corporations and local government as a whole, physical infrastructural development has been given a high priority since I assumed the portfolio of Minister of Local Government. In fact, the following fundings were released to local government during my tenure in 1996, \$24 million; in 1997, \$49 million; in 1998, \$8 million, because of a change in the financial year, and 1998/1999, \$30 million. It is instructive to note that the allocation to local government for this financial year is \$70 million.

I want to remind this august House that the Municipal Corporations Act is the legislation which governs the operation of the local government bodies. This Act outlines major infrastructural responsibilities including roads, recreation grounds, markets, parks and local government buildings, *et cetera*. The process for obtaining funds for these infrastructural works involve, among other things, corporations submitting estimates to the Ministry of Local Government for necessary checking, and for the Ministry of Local Government submitting these estimates to the Ministry of Finance for the release of funds to the corporation.

The Ministry of Local Government understands the adverse effect of late releases on corporations, and the normal practice is that the ministry would encourage corporations to submit their estimates in the first quarter so as to get their releases early in the dry season. The situation is that several factors have

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inhibited the Public Sector Investment Programme for this financial year. The first is that some corporations have not been submitting their estimates as timely as expected despite the ministry's continuous request to them to do so.

For the first quarter, only 10 corporations submitted their estimates and they have, in fact, received funding to carry out some work. They are as follows:

Princes Town Corporation	\$1,150,000
Point Fortin Borough Corporation	\$1,049,000
Tunapuna Regional Corporation	\$2,085,000
Couva/Tabaquite Talparo Corporation	\$1,152,000
Mayaro Regional Corporation	\$1,550,000
Sangre Grande Regional Corporation	\$0,970,000
Siparia Regional Corporation	\$1,190,000
Penal/Debe Regional Corporation	\$0,180,000
Chaguanas Borough Corporation	\$0,300,000
Diego Martin Regional Corporation	\$0,303,000

For the second quarter, the following additional corporations submitted some estimates for the following amount:

Port of Spain City Corporation	\$2.7 million
Arima Borough Corporation	\$1.5 million
San Fernando City Corporation	\$2.2 million
San Juan/Laventille Regional Corporation	\$2.8 million

Mr. Deputy Speaker, these corporations submitted their estimates in the second quarter of the year. These corporations, which included San Juan/Laventille Regional Corporation, have not yet received releases because the estimates are still being processed by the Ministry of Finance.

Mr. Deputy Speaker, another factor that has been affecting our Public Sector Investment Programme and, by extension, the release of funding, has been the fact that there is no contract for paving of local roads. As this honourable House would remember, an injunction was filed against the Central Tenders Board last year, and a judgment was made on the matter on January 31, 2000, and the Central Tenders Board has not finalized new-bonded contracts for paving works and this has seriously affected our road programme in our corporations.

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I wish to advise this honourable House that the Ministry of Local Government has been and would continue to collaborate with all the relevant parties to ensure that the San Juan/Laventille Regional Corporation, as well as other corporations, are provided with the necessary funding and mechanism to carry out their developmental works. In this regard, the Ministry of Local Government would:

- (1) continue to liaise with the Ministry of Finance to expedite the release of funding for all corporations whose estimates were submitted;
- (2) continue to encourage corporations which have not submitted all estimates to do so as early as possible;
- (3) liaise with the Central Tenders Board on finalizing bonded road paving contractors so that corporations could pave roads; and
- (4) ensure corporations which have releases, disburse this funding in an efficient and effective manner.

Mr. Deputy Speaker, in closing, as I have said before, local government had been allocated \$17 million for this financial year and it is my intention to ensure that this funding is obtained for the Ministry.

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

Mr. Deputy Speaker: Mr. Attorney General, Sadiq is not here, what to do?

Extension of Rural Bus Service (Caura Valley)

Mr. Edward Hart (*Tunapuna*): Mr. Deputy Speaker, I rise to raise a matter on the Motion for the adjournment of the House of Representatives, in accordance with the provisions of Standing Order 11. This matter is the need for the extension of the rural bus service to include weekend service for the travelling public resident in the Caura Valley.

Presently, there are approximately 500 persons living up at the Caura Valley. Many years ago, a great percentage of the villagers moved out of the Valley and took up residence at Lopinot and Maracas among other places. Within recent times, quite a few persons have moved into the area to reside once more. About a year ago, a bus was assigned to work the Caura Road, courtesy the rural transport service. *[Interruption]*

Mr. Sudama: Under a UNC Government.

Mr. E. Hart: A year ago it must be a UNC Government. Right! Okay? However, this bus operates during the hours of 5.15 a.m. to 6.30 p.m. Monday to Friday. The villagers are clamouring for the service to be extended to include weekends. I know the pains that the villagers endure where transportation is concerned, and I am hoping that the service would really be extended to weekends because normally the villagers come out on weekends to go to church services in Tunapuna and surrounding areas; they go to the groceries and markets. There are many people who deal with agriculture there. Sometimes they even go to the Port of Spain market and so forth.

Mr. Deputy Speaker, the Caura Valley is very fertile and these agriculturists really endure hardships where transport is concerned. Having said that, I am hoping that the hon. Minister would use his good office and look into this matter and ensure that the bus service is extended to weekends, which will make life much more comfortable for these wonderful villagers.

Mr. Deputy Speaker, of late, being an election year, a lot of promises are being made in my area—a library—“Ah what?” A market?

Mr. Sudama: How that come in?

Mr. E. Hart: Well I will tell you how that come in—so I am hoping that that promise could be extended to about two buses for people in the Caura Valley. So having said that, thank you very much for having raised this matter and I hope the matter would be attended to. [*Desk thumping*]

The Parliamentary Secretary in the Ministry of Works and Transport (Mr. Chandresh Sharma): Mr. Deputy Speaker, I am very delighted to share a few thoughts on the Motion raised by the Member for Tunapuna. I thought in keeping with the noble traditions of the Westminster system the Member would have withdrawn this Motion, since he knows the answer to the matter he raised; because he discussed it earlier. Anyway, it concerns the subject of the rural transport network or rural bus service operated by the Public Transport Service Corporation.

Mr. Deputy Speaker, I want to take Members of this House back to June, 1999, when we introduced this bus service and you would recall the contribution of the Opposition then—they condemned it. They said the buses would break down and that people would not use the service. I recall they condemned the colour of these buses, knowing that the international colour for these buses are yellow all over.

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Once again, the citizens of this country have risen beyond colour in spite of the efforts of the Opposition. More than that, the Government saved on behalf of the taxpayers of Trinidad and Tobago, approximately \$13 million, because we purchased refurbished Mercedes Benz buses. The buses venture into some rural areas that regular maxi taxis, even PH drivers, do not normally service. The buses are very safe and reliable, operating with clear time schedules and safety guidelines. The bus service now serves 24 communities on a Monday to Friday basis since it is geared to the adult commuters, including special reserve police officers and children going to school.

Recently, a number of communities, including Blanchisseuse, Matelot, Penal Rock Road and Barrackpore made representation to have the services extended on weekends. Some are now operated during Monday to Friday and as well on weekends. Recently, the people of Caura also made such a request for a Saturday service. So I am very pleased to announce that as of tomorrow there shall be a service. *[Desk thumping]* Tomorrow, the people of Caura would be able to access this service. This is that the Government has added one more brick in the foundation of good governance that it has been doing over the last four years.

Mr. Deputy Speaker, the first bus leaves Tunapuna at 6.00 a.m. tomorrow morning and then every 2 hours until 4.00 p.m. *[Desk thumping]* The buses will leave Caura for Tunapuna at 7.00 a.m. and then every two hours. I will be there tomorrow when the first bus leaves and I invite my colleague from Tunapuna to join me.

Mr. Deputy Speaker, once again, let me thank the Member for Tunapuna for raising this issue even though a bit too late. I invite him and all Members to join us tomorrow at 6.00 a.m. when the first bus pulls out.

Mr. Deputy Speaker, thank you very much. *[Desk thumping]*

Question put and agreed to.

House adjourned accordingly.

Adjourned at 7.33 p.m.