

*Leave of Absence**Friday, May 08, 2000***HOUSE OF REPRESENTATIVES***Monday, May 08, 2000*

The House met at 10.30 a.m.

PRAYERS[MR. SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

Mr. Speaker: Hon. Members, I wish to advise that apart from those people who had already gotten leave of absence in respect of today's sittings, I have received communication from the Member for Tobago West and the Member for Ortoire/Mayaro. The Member for Tobago West has asked to be excused from today's sitting, and the Member for Ortoire/Mayaro was on his way to the doctor and may or may not attend today's sitting. The leave of absence which they seek has been granted.

HEARING IMPAIRED (INC'N) BILL

Bill to repeal and replace the Trinidad and Tobago Association in Aid of the Deaf (Incorporation of Trustees) Act, 1962 brought from the Senate [*Member for San Fernando West*]; read the first time.

ARRANGEMENT OF BUSINESS

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, may I ask for a deferral of "Papers", item number one to Thursday because it is not ready. Although it is on the Order Paper, it is not ready and, on Thursday I shall lay it, and I have a statement to make.

*Agreed to.***ORAL ANSWERS TO QUESTIONS****Couva Government Secondary School
(Funding of A' Level Programme)**

Mr. Fitzgerald Hinds (*Laventille East/Morvant*) asked the Minister of Education:

- 53.** Would the Minister state whether the government funded either in total or in part the cost of inclusion of the A' Level programme at the Couva Government Secondary School?

The Minister of Education (Hon. Kamla Persad-Bissessar): Mr. Speaker, the Ministry of Education has been funding the A' Level programme at Couva

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Government Secondary, I am advised, since September of 1992 after official approval was given for the A' Level classes. Funding for the programme, including science subjects, is provided under the Capital and Recurrent Budgets. The subjects being offered are accounting, chemistry, English literature, geography, biology, economics, further mathematics, history, management of business, physics, general paper, maths and sociology.

The Ministry of Education, I am advised, gave permission to the Parent Teachers Association of the school to fund the A' Level science programme at its inception. The other A' Level subjects had been offered before the A' Level science programme, and I am advised that the Parent Teachers Association continues to assist the school in respect of the science programme. I am further advised that this is not unusual, given the need in schools for such assistance.

The following questions stood on the Order paper in the name of Mr. Fitzgerald Hinds:

Recruitment of Teachers

54. (a) Could the Minister of Education indicate how many teachers have been recruited and posted at the nation's schools between January 1996 and March 01, 2000?
- (b) Would the Minister further indicate how many have left the teaching service during the same period?
- (c) Would the Minister further state how many of those who left did so because of:
- (i) compulsory retirement;
 - (ii) early retirement at 50 years;
 - (iii) resignation before age 50 for any reason?

Forensic Science Centre (Document Examiners)

55. (a) Would the Minister of National Security indicate the number of document examiners employed by the Government's Forensic Science Centre as at March 01, 2000?
- (b) Is the Minister aware that the shortage of document examiners has hindered the prosecution of certain criminal offences?
- (c) Would the Minister indicate what action is being taken to rectify this obvious lacuna in the criminal justice system?

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I should have mentioned to you at the beginning of question time that with respect to questions No. 54 and 55, we are asking for a deferral of one week. I indicated this to the Opposition Chief Whip.

Questions, by leave, deferred.

DANGEROUS DOGS 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 provide for regulating the keeping of dangerous dogs which present a serious danger to the public; to make further provision for ensuring that such dogs are kept under proper control and for connected purposes, be now read a second time.

Mr. Speaker, on November 12, 1999, in closing the debate on the Dangerous Dogs (No. 2) Bill, in response to calls made by the Opposition for the Government to impose a total ban on the importation of these dangerous dogs and to reintroduce in Parliament the original Bill which the Government had introduced, the Opposition was saying that the dogs should not be merely regulated but should be banned from importation and prohibited from breeding and the dogs should be neutered.

In response to those calls, I said—and I quote from the *Hansard* of November 12, 1999:

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

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Mr. Speaker, I am coming back before the three months of the implementation of that Bill because that Bill was not proceeded with in the other place, therefore, the Government is coming back before the time it promised it would come back if the situation did not improve.

As hon. Members would recall, when the Bill was presented on the last occasion—that is to say, when the (No. 2) Bill was presented—I had indicated to this honourable House that there were different ways in which countries had to deal with this problem. Although the original Bill had a total ban, there were other countries which went for regulation of ownership.

Mr. Speaker, may I put on the record parts of what I said on the last occasion in respect of these two matters? In the Hansard of November 5, 1999 at 4.10 p.m., I said:

“In recognition of the very strong views expressed by organizations and individuals, the Bill reflects the policy changes which I have mentioned. May I make it clear that the present Bill retains the primary objective of declaring certain breeds of dogs as dangerous and providing mechanisms to address the problems caused by these dogs to the well-being and safety of citizens of the country.”

Then I went on to state what the major change of the Bill did.

Mr. Speaker, on the next page at 1.55 to 2.10 p.m., it states:

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

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

Mr. Speaker, as I said, while consultations were held, it was decided that the owners of dangerous dogs should be targeted by having legislation to provide the regulatory framework about which I had spoken.”

Mr. Speaker, it is correct that when we came with the Bill on the last occasion, the Opposition took the position, notwithstanding there was a publication earlier of what the Chairman of the party had said, that the Government should go with a total ban instead of regulation. It is also correct that the Government took the position that, yes, we had come with a total ban, there were comments, the comments were received, and what we would do is try to see whether we could regulate the ownership and concentrate on good, responsible ownership as other countries have done in some cases, and we will come back to Parliament.

Initially in the debate, before the Opposition Members had spoken, in presenting the Bill, I said we would come back probably in a year's time. When the Opposition Members were very strong about it and they brought their points forward, we said we would even come back within three months of the implementation of the Bill.

Mr. Speaker, the fact of the matter is that I do not regard this really as a party political issue. The fact of the matter is that since the Bill has been passed in this House, there is a continuation of pitbull attacks in Trinidad and Tobago. I think that one would just have to glance through the newspapers and one would see that from that time in November 1999 up to the present time, there is a continuation of these attacks.

The question which we had to consider when the Bill reached the other place, based on what was being said—not so much, if I may say, in respect of the Opposition, because the Members of the Opposition in the other place were prepared to support us in respect of what we were doing, initially; that is to say regulation—there was a strong voice from the Independent Senators that we should reconsider the position and come back with a total ban at this time and not to postpone that decision any further.

So, based on what the Independents said, based on what the Opposition had said in this House and based on the fact that there was a continuation of attacks by pitbulls—I would not read the newspaper cuttings. We remember during the month of April, there was this serious attack on this boy. He is lucky to be alive. Based on that, we decided that we could not postpone the decision anymore. What has happened, therefore, is that the Government has shown that it has considered these matters and has decided that it will come back to this honourable House to give effect to what seems to be the public opinion in the country to the effect that a decision must be taken now on this issue.

Mr. Speaker, I think that what I would like to do is first say, basically, what this Bill would do. Hon. Members would have read the Bill, but I will go through the Bill. The Bill would prohibit persons from importing dangerous dogs, as mentioned in the Schedule, and the Schedule can be added to by an affirmative

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resolution of Parliament. Persons would be prohibited from breeding dangerous dogs. Persons will be prohibited from importing the semen or embryo of dangerous dogs.

The owner of a dangerous dog must neuter the dog within three months of the Bill coming into force. No person may breed, or breed from, a dangerous dog. The owner of a dangerous dog must have a licence and there are certain requirements before the licence can be considered to be granted. There must be a certificate that the premises have been inspected; that there is a policy of insurance in respect of each dog and in respect of each claim to the minimum of \$250,000.

10.45 a.m.

The rationale of the Bill is that existing dog owners will be able to keep their dogs, but the intention is that when the owners either have got rid of the dogs as you would see, to the local authority, or these dogs have died, that will be the end of the species of those dogs in Trinidad and Tobago.

The owners would not be able to sell, exchange or advertise for sale, these dogs. A person under 18 cannot own a dangerous dog. The dogs will be banned from a public place and if the dog escapes and injures a person, the owner would be liable to a fine of \$100,000 and five years imprisonment and if the dog kills anyone the owner will be liable to a fine of \$200,000 and to ten years imprisonment. The police and officers will be entitled to seize and kill dangerous dogs if they are seen in public.

One of the matters discussed in the other place is that, if one were to have a total ban it would mean that the existing owners will have to hand over their dogs to the state for the dogs to be put away. That was an option which the Parliament could go to, but it was felt that what the Government should do is that the existing dog owners should be able to have their dogs; neuter them, keep them in a secured place, but to place restrictions on them to the extent that if they do not take care, there will be heavy fines and imprisonment to prevent the increased population of these dogs.

The major problem with the dangerous dogs in Trinidad and Tobago really relates to the pit bull terrier which is a cross breed dog. It is bred for fighting; it is strong; it is impervious to pain and it is capable of exerting enormous pressure with its jaws. Experts have said that the only certain way to stop an attack by a determined pit bull is with a mallet or a gun. In many countries, including Trinidad and Tobago, where the pit bull has killed people, it has proven impossible for full grown adults to stop the pit bull terrier from its attack once that attack has started.

I know that a lot of criticisms can still be levelled against the Government for going ahead with these measures because there is a section of the society which feels that dogs can give great pleasure and companionship to many of us, which we do not disagree with at all. Some people instinctively feel that there is really no such thing as a bad dog, simply a bad owner. In this respect I think the events have proven that the pit bull terrier is in a class apart from other dogs. No matter how well it is treated by its owner, the pit bull terrier can attack without warning. Many of these dogs have been well behaved and have played perfectly and safely with children in the family home up to the point when they attack. The pit bull terriers would look very good at that time, but they are unpredictable and can attack suddenly. That sort of unpredictability is in the nature of these three dangerous dogs mentioned in the Schedule.

The ferociousness of the pit bull terriers have earned them the label of devil dogs, superb killing machines, and even hounds of hell. They are known to attack young people and even when they attack young people the injuries are so great that even plastic surgery sometimes has to be used, if the person is lucky to stay alive. There can be no doubt that the reports of these savage attacks are really a chilling testimony of this growing public menace and the pit bulls are considered the cadillac of killer dogs because of their strength and agility. I understand they have been bred to kill other dogs. I have been told that their jaws can exert pressure of approximately two thousand pounds per square inch. I am also told that if one pictures an aeroplane when the plane is ascending and the landing gear compartment has to close, that the pressure that has to close that landing gear, even with all the wind that is there with the other pressure, is the same kind of pressure which a pit bull can exert with its jaws. I am told that it is the same situation when the plane is landing, the amount of pressure that it takes to close that landing gear compartment, is approximately the same that can be exerted by a pit bull.

Mr. Speaker, so we are really not dealing with ordinary dogs, we are dealing with killer dogs—dogs bred to kill other dogs; we are dealing with fighting dogs, and attacks by these dogs on adults and young children must make any government consider whether or not the time for action is now and whether we should not take steps to have the necessary legislation in place instead of giving more time to consider this matter, having regard to the divided opinions.

In our view, having regard to the events which occurred from November, 1999 and all the matters that we have considered, there can be no doubt that there is a clear demand for swift action, and the Government owes a duty to end this menace and if passing this legislation would assist in trying to appease or end this

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menace, although it may be considered to be harsh in some circles, the Government has a duty to try to enact it.

Mr. Speaker, the continuing savage attacks of pit bull terriers have highlighted the degree of seriousness and these attacks which are really horrific demand action by Government and Parliament. The public looked to the Government for protection against these dangerous dogs and the aim of the Bill ultimately is to rid the country of the menace of these fighting dogs.

I know people are saying that we are over-reacting to the problem and eliminating these fighting dogs is not the answer. As I said, they are saying there is no such thing as a bad dog, only a bad owner. There is this clear danger which is a menace and it seems to us that we can rationalize it on the basis that these are a different type of dogs, a kind to be set apart from other dogs. That is why we need to ban these dogs.

Mr. Speaker, I would go through the Bill with hon. Members to explain it. There are amendments which have been circulated. The long title of the Bill would read as follows:

“AN ACT to prohibit persons from importing and breeding dangerous dogs and imposing other restrictions in respect of dangerous dogs and for regulating the manner in which dangerous dogs are kept by their owners or keepers; to make further provisions for ensuring that such dogs are kept under proper control and for connected purposes.”

The Preamble to the Bill is the normal preamble which would be required if the Bill needs a specified majority, and it would need a specified majority because it is inconsistent with sections 4 and 5 of the Constitution, in that it affects the right and enjoyment to property and, therefore, it has to be passed with a specified majority. It prohibits new owners from owning these dogs after the Bill is passed and it places restrictions with respect to the enjoyment of property that people have. Therefore, it has to be passed in accordance with section 13 of the Constitution with at least a three-fifths majority at the final vote in each House.

Clause 3 of the Bill is the definition section. Of significance is that the word “‘constable’ means a member of the protective services or of a licensed security service”—and the word “‘public place’ means any street, road or other place (whether or not enclosed) to which the public have or are permitted to have access whether for payment or otherwise and includes the common parts of premises containing two or more separate dwellings;”

That is important because this Bill would prohibit dogs to be taken to a public place. As a matter of fact, under the Bill, if owners want their dogs to have attention by the vet, the vet will have to go home to the dogs. So persons who have decided to keep these dogs would have to know that there are going to be great restrictions and the dogs would not be able to go in a public place at all. Any time these dogs are in a public place, an officer would be entitled to seize it, shoot it, kill it and that was the feeling in the other place as to how it should be. It is felt if there is a situation where you have existing dog owners and they can take it with a muzzle and a lead, even if they are taking it to the vet there can be no guarantee that these dogs would not escape and harm someone. So in order to minimize those risks, the policy contained in the Bill is to prevent them from taking the dogs in a public place.

The other alternative would be to ban the dogs completely and the owners would have to take them to the local government department and have them put to sleep, but it was felt that we should not take away the rights of existing owners. That definition is important because it would mean the dog cannot go to any of these places. If it is there, it is liable to be seized and killed, apart from it being an offence in which the person would be liable to a fine.

Under clause 4(1):

“No person shall import into Trinidad and Tobago a dangerous dog, or the semen or embryo of a dangerous dog.

(2) A person who contravenes subclause (1), commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for two years.”

There is this ban on importation of the dog, the semen or the embryo and anybody who contravenes that would be liable to this heavy fine of one hundred thousand dollars and to imprisonment for two years.

11.00 p.m.

Then clause 5 (1) reads:

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

So that all existing owners would have to know that these dogs would have to be neutered by a vet within three months of the coming into force of this Act. Hon.

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Members would see that when the dog owner has to get a licence, there would have to be a certificate showing that this has been done.

“(2) No person shall breed or breed from a dangerous dog.

(3) A person who contravenes the section commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for two years.”

I should mention that the dangerous dogs mentioned in the schedule are the pitbull terrier or any dog bred from a pit bull terrier. And there is another amendment to try to put that—page three of the amendment says:

“A pit bull terrier or any dog bred from the pitbull terrier or any dog of the type known as the pit bull terrier.” Then there is the Fila Brasileiro. So it would be any dog bred from the Fila Brasileiro or any dog of the type known as the Fila Brasileiro. Then there is the Japanese Tosa, or any dog bred from the Japanese Tosa or any dog of the type known as the Japanese Tosa.

Mr. Speaker, my information is that the Japanese Tosa is a dog which is also a fighting dog, and the Fila Brasileiro is also a fighting dog. The Japanese Tosa is the size of a small donkey and it can be very amiable but can also be very ferocious and can be very savage in its attack. All that I can assist Members with is that in the United Kingdom the Japanese Tosa was considered to be just as dangerous or even more dangerous than the pit bull terrier.

Clause 6 of the Bill deals with the licensing of these dangerous dogs, which means that no person shall own a dog unless that person applies for and obtains an annual licence from the local authority, which would mean, therefore, that all existing owners would have to apply for a licence. The local authority will maintain a register of all these licences and this register would be open to the public for inspection and the register would also contain particulars of the policy of insurance which the owners have in respect of these dogs.

Sub-clause (4) says, the local authority shall not issue a licence to the owner of a dangerous dog unless the owner presents to the local authority a certificate in the prescribed form verifying that the premises on which the dog is to be kept have been inspected and approved in accordance with section 7 and a policy of insurance has been issued in accordance with the section and a certificate in the prescribed form verifying the dog in respect of which a licence is to be issued, is neutered. The local authority shall not issue a licence under this section, unless it is satisfied that section 10 has been complied with.

One sees that this licensing mechanism, therefore, is a way in which the Ministry of Local Government would be able to monitor who have dangerous dogs and be able to put mechanisms in place in order to have these monitored. The Minister of Local Government would make a contribution because it is his ministry which would be administering this, and the regional corporations would be used in order to assist in the implementation of this piece of legislation. So that from the position of the regional corporation, it would be able to know the people who have these dogs; would be able to inspect the premises; would be able to have some sort of patrol from time to time in order to ensure that the Act is adhered to.

Under that section—a licence granted—there will be delivered a metal label or other badge bearing the registration number of the dog and it will be branded in the ear of the dog. The purpose of that obviously is for identification, that if this dog ever escapes, for the purposes of prosecution or in order for identification by even the Minister of Local Government there must be some form of identification. So you will have a metal badge, but there will also be an identification on the dog itself.

There is the requirement that where a person has changed residence from one area to another area, he must apply to the local authority in the new area for a transfer of his registration. Then there is a fine in respect of a person who contravenes this section.

Clause 7 of the Bill gives to the authorized officer of a local authority, upon producing his relevant document of authority, permission to enter the premises upon which a dog is kept to inspect those premises for the purpose of ensuring compliance with the clause, and the officer shall issue a certificate of compliance. If he is not satisfied, he will draw it to the attention of the occupier requesting him to remedy those deficiencies. Where the occupier fails to remedy those deficiencies, he would have contravened the clause but, obviously, he would not be able to get a licence and therefore he would not be able to have the dog.

A person who keeps a dangerous dog which is not licensed in accordance with this Bill commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for one year.

Clause 9 says that a person under the age of 18 years shall not own a dangerous dog.

The obligation of the owner of a dangerous dog to hold a policy of insurance—and this says that a person who owns a dangerous dog “shall have in

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force in relation to each dog;” so the policy of insurance would have to be in respect of each dog—that provides coverage in respect of each claim for injury or death caused by the dog in the sum of not less than two hundred and fifty thousand dollars or such sum as the Minister may prescribe. At the committee stage we will make this clearer, to mean, at such higher sum as the Minister may prescribe. Because we would not want to make it a lower sum if it has to be changed at any future time.

Although moneys cannot compensate fully for these injuries, what is happening is that the owners of dangerous dogs would know that in order to protect the public they would have to have these insurances and if they cannot do it and if they find it too onerous, you would see from the amendment that there is a provision that they can hand over their dogs to the Ministry of Local Government who will take steps to have them put away. In the amendment there is a new clause 6A which says:

“An owner or keeper of a dangerous dog who is unable to fulfil the requirements of this Act may notify the Ministry of that fact, transfer possession of it to the Ministry whereupon the Ministry shall take charge of the dangerous dog and thereafter destroy it.”

So the idea is the owner can put away the dog himself or herself with a veterinarian, or if he cannot afford it or he does not want to put it away, he can pass the dog to the Ministry of Local Government and the ministry would put away the dog. But very important, if you decide to keep this dog, you must know that you cannot take the dog out in public; you have to secure your premises; you have to have the dog neutered and you have to have a policy of insurance. The rest of the clause deals with the policy of insurance.

Cancellation or lapse of policy: Under clause 11 where the policy of insurance required under clause 10 is no longer in force, the owner of a dangerous dog in respect of which the policy is issued shall promptly inform the local authority. At the committee stage we could probably say, within 24 hours shall inform the local authority, because “promptly”, can be a relative term.

11.10 a.m.

So that the aim of this clause, obviously, is that the local authority must know if the insurance has lapsed. Because if the insurance is not effective then it would be a dangerous dog without the appropriate licence and, therefore, the authority would be entitled to take the dog and even get rid of it after the court proceeding. The rest of clause 11 deals with what happens after the court proceedings and

clause 12 deals with situations where there can be civil claims and claims for damages in respect of injuries done by these dogs.

Mr. Speaker, at the present time, if one has to litigate in the court where action is to be taken against an insured person—and that is a case where, under the law, the insurance company is also liable to the person who is affected—there have to be two sets of proceedings, first against the insured and, when the damages are awarded by the court finally, then an action against the insurance company can be proceeded with. So the victim has two sets of proceedings, two sets of costs. What we have done here is joined the insurer as a co-defendant, so instead of two actions there will be one action. Clause 12 deals with matters relating to that so that the relevant particulars can be got. There is precedent for this kind of situation in that recently when we dealt with the amendment to the Motor Vehicles (Third Party Risks) Act in which people involved in motor vehicle accidents have to file two claims, we created a situation where they now have to file one instead.

Clause 13, Mr. Speaker, is where this person has to keep this dog under control in his private premises. Subclause (3), which talks about if he can prove that the dog was in the care of a fit and proper person, will have to be tidied up. I think what is meant there, Mr. Speaker, is if the dog is at the vet, and we will probably have to put language specifically to say that the dog is at the vet. There would be the situation where owners would leave their premises and they would have watchmen or whatever it is, as keepers, so the persons who are keepers can also be liable under the Bill. I think clause 13(3) deals with that kind of situation, but I do not think it should be a defence if the person took steps to have a keeper and the keeper allowed the dog to go. So I promise we will look at that in the committee stage. The rest of clause 13 deals with if the dog is allowed to enter private premises. We will also have to specify there, “enter either a public place or private premises where the dog is not permitted to be”.

In respect of if the dog injures any person, well the person would be liable to a fine. We will have to amend that. It will be \$100,000 and five years as we have in the other part of the Bill. Clause 14 deals with the obligation to secure the premises and one sees under clause 14 that the owner of the premises would need to have it secured by a fence or wall. There will be regulations giving the specifications but, in order to secure these premises properly, may I say that these fences and walls will have to be very strong because these dogs are very powerful and these regulations would have to specify what sort of foundation. They may probably have to submit plans.

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That is one of the difficulties we have in the Bill in that we have to provide for existing dog owners and we have to try to flavour the legislation to put certain measures and safeguards in place to protect the public from existing dog owners. The only alternative to that would be to have a total ban, that is to say, to completely eradicate the country of the dogs at this time. However, that seems to be a suggestion which is considered to be too radical, Mr. Speaker, so I do not know. I would like to hear what the Opposition has to say about that.

Mr. Speaker, the more one reads about these dogs, and I have been reading much over the last two or three weeks about these dogs, it seems to me that these dogs are really not dogs that should be around. They cannot be considered pets. It is like having a lion or a tiger loose and I do not know initially how these dogs were allowed to go into countries, but the consolation is that other countries have had similar problems and they have had to take steps. If I remember correctly, in the United Kingdom they decided that people should not own these dogs at all and they had to get rid of them. So Mr. Speaker, clause 14 deals with securing the premises.

Clause 15 deals with the liability for the escaping of dogs from premises. There is an obligation under clause 16 for the owner to place a notice on the premises stating that there is a dangerous dog in those premises. Clause 17 says that:

“(1) Where a dangerous dog injures a person, the owner or keeper of the dog commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and imprisonment for five years.

(2) Where a dangerous dog kills a person or causes the death of a person, the owner or keeper of the dog commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars and to imprisonment for ten years.”

So we have created a new offence, really, of causing death by a dangerous dog. Therefore, if the dog kills or causes the death of that person, the person who is the owner or the keeper would be liable to a fine of \$200,000 and to imprisonment for 10 years.

Clause 18 deals with a person who, if he incites a dog to attack another person, he commits an offence and is liable on conviction to a fine of \$25,000 and to imprisonment for one year. But it shall be a defence for that person to establish that the other person was committing or had intention of committing a criminal offence. So if an owner has a pit bull and there is a thief in the yard and the owner incites the pit bull to attack this thief, then it shall be a defence because nobody is supposed to go on someone else's property to steal. Further, there is a sign outside

stating that there is a dangerous dog and people will, of necessity, have to jump over that wall to gain entrance to that person's property. I think that one has to balance these matters a bit.

Under clause 19 it gives the power to the Minister to add to the Schedule subject to affirmative resolution and clause 20 gives the powers of the court to order destruction of the dog and disqualification of the owner from having such a dog. Under clause 21 it says:

“A constable or officer of a local authority duly authorized to exercise the powers conferred by the section may seize a dangerous dog or a dog which appears to him to be a dangerous dog which is in a public place or in a place where it is not permitted to be or destroy such dog.”

Clause 22 deals with the question of issuing of a warrant. Clause 23, Mr. Speaker, deals with the fact that if the dog is at a vet:

“Any reference in this Act to a keeper of a dangerous dog shall not include a veterinary surgeon who keeps a dangerous dog in a professional capacity for the purposes of compliance with section 5(1).”

That is to say, the dog has to be taken to be neutered, so it means that a vet can keep the dog, but if the dog escapes the vet shall also be liable for any damage caused by the dangerous dog.

Clause 24, Mr. Speaker, allows for civil actions to be brought under any other law apart from this Bill and it says that the common law principle of *scienter* does not apply. On the last occasion I explained that. That is to say, under the existing law if there is a bite by a dog one has to prove that the owner knew that this dog was capable of biting someone. Therefore one will have to prove that one had knowledge or *scienter*. This is called the *scienter* rule. One has to prove that the dog has at least bitten someone before. Clause 26 deals with the power to make regulations.

Mr. Speaker, in the amendment which has been circulated, one would see that, apart from breeding or breeding from a dangerous dog, it is expressly stated that:

“No person shall—

- (b) sell or exchange such a dog or offer, advertise or expose such a dog for sale or exchange;
- (c) make or offer to make a gift of such a dog or advertise or expose such a dog as a gift.”

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The principle is that the owner should really decide whether he is keeping the dog or getting rid of it. It should not be a situation where he can sell dogs or exchange dogs, because the whole policy is to discourage persons from having these dogs and thereby making a living. It is only at the premises where these dogs are to be kept.

There is also a new clause 14A:

“(1) An owner or keeper of a dangerous dog shall not abandon the dog.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for one year.”

Mr. Speaker, what could happen and has happened in other countries with similar legislation, or with legislation having these restrictions, is that people decide to just get rid of their dogs and they just let them go in the forest or bushes, or whatever it is. We want to make it an offence to do that. We created machinery whereby, if they want to get rid of the dogs and they cannot do so themselves, they can hand the dogs over to the Ministry of Local Government and that ministry will put the dogs away.

Mr. Speaker, this again, I know, is not easy legislation. If I may say so, in the other place it received the unanimous support of every Member in that Senate and at the committee stage it took us about three hours before we came up with these amendments. So that the Bill before us really reflects the unanimous view in the other place and the amendments are merely to try to make that policy very, very clear. Mr. Speaker, I beg to move. [*Desk thumping*]

Question proposed.

Dr. Keith Rowley (*Diego Martin West*): Mr. Speaker, I wish I could say I knew that we would have been dealing with this matter again, but I certainly cannot say I knew that we would have been dealing with it as quickly as we are, following the passage of the original intent of the Government less than three months ago. I start by saying that the Attorney General this morning has taken the correct position. Had he taken that position when the original item was passed here, we would not have been dealing with it this morning. Virtually everything that he had said, in presenting this morning's offering, is correct and I want the Attorney General and the Government to know that the position of the Opposition has not changed on this matter.

11.25 a.m.

Mr. Speaker, when the original Bill—not the one which is before us today—was laid in this House, it was common knowledge to us that the Bill required Opposition support if it was going to be passed in its original version. We had also made it quite clear, in this House, at the time of the debate, that the Government could count on the support of the Opposition in getting the required majority to take the kinds of action that the current Bill—the Bill on which the Attorney General spoke about measures this morning; we made it quite clear that the Government had the support of the Opposition to do that.

Mr. Speaker, just to clarify the situation because of the way the Government has done this I presume there are some persons who cannot even believe what has happened; that there was support available and the Government did not get that support, and now the Opposition is giving that support. I want, just for the record, to set that straight because there are certain elements in certain aspects of the media who, maybe, did not pay attention to what was going on or for other motives have sought to present this situation to the public.

Mr. Speaker, just with your indulgence, I want to indicate to you what I am talking about because I want to correct this misrepresentation. I am talking about an article in the *Bomb Newspaper* dated May 5, 2000 which is the last, current, edition and it says: “The PNM Played with people’s lives—Talk about stupidity in Dangerous Dogs Bill!” It labels itself an “Inside Report” by one “Deva Singh” and I quote just to show you how this item has been misrepresented to the public:

“Since 1998 the UNC Government introduced the Dangerous Dogs Bill to ban pitbulls in this country.

On too many occasions law-abiding citizens have been attacked by these vicious animals.

The PNM Government made no bones about it. When citizens were mauled and chewed up by these animals, members of the Opposition party did not care enough to support the passage of the Bill in Parliament. The PNM played politics with people’s lives. It is widely believed that they are supporting the Bill now because elections are right around the corner.”

Mr. Speaker, clearly, what the Attorney General correctly said this morning, gives the lie to such a representation to the country. There was never any question of a Bill being before the House and not receiving the Opposition support, and that support is now forthcoming in the context of any election. The opposite is what happened.

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Some person or persons introduced into this country—in the not too distant past—a breed of animal that turned out to be a danger to the people of Trinidad and Tobago. Over time, the numbers increased through breeding or further importation and more and more persons fell victim to the viciousness and unpredictability of this dog. Eventually, the frequency of the attacks and the danger posed by these animals caused the Government of the day to have to intervene by way of legislation to do something about this menace. When the Government did that and came to Parliament with a Bill, which sought to address the problem, we made it quite clear that the Government would have our support to ban the animals.

Mr. Speaker, we were quite surprised, indeed, when the Government came back later on with an amended or revised version which had the intention, not of banning, as was initially indicated but of regulating. When we entered the debate, we made the point over and over that these animals cannot be properly regulated so as to eliminate the menace, and if we are going to treat effectively with this problem, regulation is not the way to go—a total ban and a phasing out of the species is what is required. That is the position that the Opposition took and that is the position that we are taking today. We are happy that this Bill is before the House today to get our support to do what we said should have been done since the original attempt to remove the menace from the public place. So it is quite wrong for any person to seek to advance to the public—in or out of print—that the Opposition has some ulterior motives in the context of an election or that we were not supporting the Government in this matter and we are now doing so.

Mr. Speaker, I would go on to say that I am surprised that the Government is surprised. The Attorney General—and one can be very charitable to him and say, okay—now he has a better understanding of what these dogs are and he has just said so. The more he has read about these dogs, the more it has come across to him that these animals are, in fact, dangerous. Maybe at the time when the Attorney General was listening to interest groups saying that the dogs are nice and loving pets; and maybe we should not ban them or destroy them at that time he did not have the information which has convinced him now, as he has said, that notwithstanding what the current owners might want to say, these animals are, in fact, very dangerous.

Mr. Speaker, the Member would have us believe that is the reason, but nothing that has happened subsequent to the passage of the regulating Bill has changed the situation. I seem to recall when I intervened in the debate, pointing out to the Attorney General that—I think it was in Trincity—a woman and her

daughter were in a public place and there was one person with two pit bulls and the dogs attacked the woman's child and that child could have been killed had it not been for a passing taxi driver who stopped his vehicle—a public spirited gentleman—got out and went to the aid of the child and the mother and actually had to damage the dog to get the child's life saved. The owner had a lot to say about this man damaging his dog. Not that the man saved the child's life, but that this beast that threatened to take her life from her was damaged. That happened just before the time we debated this Bill.

Mr. Speaker, so the incident recently with the young boy who was lucky to have been saved cannot be deemed to be new information. The one thing that is not in dispute—not even the owners themselves can dispute—is that the fundamental issue with these dogs is not that they are vicious and is strong, but that they are unpredictable. It is the unpredictability of the dog. That is the problem because you never know what they will do. If the dogs decide to attack—as the record shows—that attack poses a threat to the public. That is the issue.

Mr. Speaker, to say that other dogs are dangerous is not the issue. Other dogs are dangerous but their pattern of behaviour is relatively known and can be anticipated. They can be trained in a certain way. But here is an item which even to the very owner—and you see this nonsense that is being said about there is no bad dog only bad owners. In the Diego Martin area one of the tragic deaths we had was of the mother of an owner who went to feed the dog. She was accustomed to feeding this beast and one day she went to provide food for the animal and the animal killed her. How does one explain that? Could she be deemed to have been abusing the dog, as they would have us believe—that is only if the dogs are abused that they become vicious? Could she be deemed to have been a bad owner so, therefore, it is not a bad dog? It is not that at all! It is inherent in the animal to be unstable, unpredictable, vicious and bloodthirsty. That is the animal and those are the characteristics which caused the Government to say that these animals should not be in our community.

11.35 a.m.

Mr. Speaker, it would have been unfortunate, indeed, if the Government had continued along the path that it had taken when it rammed through in this House, the original regulating Bill, because they had the numbers to do it. Notwithstanding what I am saying now, which was said before, and what is known now which was known before, the Government had taken the position quite inexplicably, having drafted a proper Bill, to pass through this House a Bill which would have been totally ineffective.

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However, it went to the other place thinking that it had the majority so to do and, as fate would have it, there were people on the Independent Benches, because the Opposition could not stop it in the other place, who did not fall prey to the mouthings of the interest groups, but stood up and said, “This Bill you have passed in the Lower House is totally useless and we will not support it”. In so doing, they were taking the same position that the Opposition took in this House. Not that we are not supporting a ban, but we are not supporting the passage of ineffective legislation.

It was when the Independents took that position that the Government realized it did not have the votes to proceed to pass that ineffective Bill. The Government attempted to pass the regulatory Bill in the other place and the bottom line is that the votes were not there. When it realized such, the Government was then forced to come back to this position where it now enjoys, as it should, unanimous support.

I heard them trying to use sophistry. I know that there was a comment by the chairman of the party when this issue came before us that it was reported that she said the PNM may not support the Bill. At that time, there was no Bill before us and certain things were being done. That was never a PNM position in this Parliament. When a Bill came before us and we saw the print and saw what we were dealing with, those of us who got up here speaking for the PNM, at the place where the law is being dealt with and being passed, we said we were supporting the Bill. [*Desk thumping*]

It was total sophistry to be coming here and saying that the Chairman said that the PNM may and, even if she said the PNM may, at the point of contact, the PNM was supporting the Bill. That was never an issue. No person in this House said we are not supporting this Bill, and to come now and say that the PNM in the other place was supporting the regulation, as against the banning, is the same approach. I think we should just stop trying that. Whoever is trying to say that, I would say to the Attorney General, let us not have that. That is a waste of time. They tried to pass regulations, they did not get the required support, they resorted to the banning and they have support. That is the issue before us today.

Mr. Speaker, I do not want us—and by “us”, I mean all of us in this House—to come across as though we are highhanded and unmindful of the concerns of the minority who are holders or benefactors of the attributes of this dog. Some people in this country are making a good living by having these dogs as their resource. Again, it is because people are so afraid—in fact, I use the word “terrified”—of these animals, that security firms have now found that these dogs are among the

most effective animals they can use in their crowd control and security arrangements, but one has to balance the rights of the majority against the interests of the minority.

It is in that context that lovers and owners of this dog must see the situation. It all boils down not so much to rights as a matter of fact, but risk management. It is a question of risk management. We are being told by the interest groups that other dogs are dangerous. That is true. Other dogs are dangerous. Pot hounds, Exim, other dogs are dangerous, but the community accepts to live with a certain level of risk and, it is in the context of that acceptance that an action is acceptable or not acceptable.

When one gets into a motor car and goes on to the highway, there is a certain element of risk that is involved because driving on the highway is a hazard, but we accept a certain level of risk if the vehicle is conducted in a certain way and if the traffic patterns are in a certain way. Therefore, the driving of motor vehicles is not deemed by the community to be detrimental and, therefore, we should ban cars.

The same thing with firearms. One accepts that firearms are dangerous but, in the right hands and under proper usage, the community accepts a certain level of risk with firearms. So, it is a nonsense to say that since we are going to ban these dangerous dogs we should also ban firearms and motor cars.

When we go on an airplane, we accept a certain level of risk. When we take a drug, a medication, some people react to certain medication. One can be given too much or too little. There are certain medical procedures that can eventually turn out to be a threat to one's life, but one accepts the risk of the operation that the benefits may outweigh the dangers. It boils down do the level of risk. What we are saying to the owners of these animals is that this national community, while it recognizes their taste in choosing that type of dog, the community in the majority does not accept the level of risk that is posed by these animals.

That risk has its root in the unpredictable nature and the viciousness of the animal. The community is saying it is aware that one might get protection, and that protection comes from the fact that so many other persons in the community are afraid of the animal. It is not just that one has the animal on one's compound to protect one from the intruder. That is how most dogs are used in this country. If the dog escapes, as they do from time to time, or as one takes them into a public place, because of the nature of the dog, we are saying to the owners that the threat posed by these dogs is too high and we are not prepared to accept that threat among us.

Other dogs have been known to bite people: Doberman, Rottweiler, Boxers, and so forth. I can only think of one instance in this country—I am sure there are

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others—where a Doberman Pinscher actually killed a person. It was a small child who got between a pair of breeding dogs a few years ago and, in that situation, the dogs were excited and the child was bitten and died. It is not a normal news item in this country that some other breed of dog has attacked a person in such a way.

What is even worse is that the break-off—the other breeds of dogs that we are accustomed to, if they do go into attack, the average person knows that those dogs can break off the attack on the intervention of some person who shouts or touches them. One of the characteristics of the pit bull is that it does not break off its attack. It drives home the attack to the death. That is what we are saying is a level of risk and a pattern of behaviour that the national community is not prepared to accept. We are saying there are other means of protection. We are also saying that those who choose these animals for their protection, while one may protect oneself as one is wont to do, one would have created for other persons a danger which did not exist before.

That is the context in which we are saying that these animals ought not to be allowed to proliferate among us. While the Bill is not going to put an end to the dogs today, the measures in the Bill would ensure that in the future, the breed will be eliminated, because if there is no breeding, the population of the animals will diminish and will die out.

Even as we look at the Bill, there are some operating difficulties of which we need to be mindful. I read the Bill, I listened to the Attorney General and I am wondering whether somewhere along the way there is a loophole there with respect to identifying a particular animal. Who is going to identify a dog? Suppose an owner takes the position that his dog is not a pit bull, how are we going to treat with that? Suppose somebody has a dog which is bred from a pit bull—because the Bill talks about “breeding from”, which means dogs that have pit bull strains—and an owner takes the position, “Well I do not have a pit bull?”

There is something in this country called “pot pit”. What percentage of bull terrier strain will determine what can be left and what will have to comply with the law? Some owners are very brass faced and can easily take the position that “This law does not apply to me. You are saying my dog is a pit bull. I am saying it is not”. How are we going to treat with that situation?

Mr. Maharaj: Thank you, Member. If one looks at the definition, “pit bull or any dog bred from it” or from the amendment on page (iii), “or any dog of the type known as the pit bull terrier”. What we did was look at other legislation which dealt with this in England. I understand that at the Ministry of Local

Government there will be DNA with respect to the dog so that it can be scientifically established.

As a matter of fact, when the matter was in the other place, it was supported by some of the people there who knew about these kinds of matters. So, the intention is to have scientific proof, if it has to go to court, but the definition has been drafted in such a way that apart from the scientific, if one notices “any dog of the type known as the pit bull terrier”.

Dr. K. Rowley: I understand what the Member is saying, but I am looking at the practicality which is, if someone is damaged and has to go to court and evidence is to be led about the dog, the dog’s DNA will be used as proof of its lineage, but that would be the minor after-the-fact situation.

When this Bill comes into law, all these people with these “pit pot hounds”, what if they take the position that their dog is not a pit bull and, therefore, not subject to this law? Are we going to go to each home, find the owner and say, “Give me a blood sample”? Are we going to do a blood test to confirm that the dog is a pit bull? What I am getting at is that some authority has to determine, and it be not left up to the owner to say, “I have a pit bull”, because the owner may only come to book when something happens. So, the law may be in effect and there are lots of people out there with pit bull type dogs who have deemed themselves not to be under the law because their dog is not a pit bull. What I am getting at is, what authority will bring them forcefully under the law?

Mr. Maharaj: The Ministry of Local Government would have to bring in all the regional corporations and the corporations, through the ministry, would be setting up a mechanism whereby there will be an all out assessment of these dogs. That is the only way to do it.

If it is that one had a situation where one just had to get rid of them, then it might have been an easier situation, but there is a difficulty in the operation. It is going to take some time, but the fact of the matter is that people would know that if they have a pit bull dog, or any percentage—half breed, quarter breed, whatever it is—that is risky because of the fines, and so forth. In the meantime, the Ministry of Local Government, through the regional corporations, would be able to do the assessment. It would have to be that way. There is no other way.

11.50 a.m.

Dr. K. Rowley: You have clarified one point there, but I hope you understand the enormity of what we are undertaking. The reason I am belabouring this point is because I do not want it to get into people’s minds that once this Bill

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is passed, pit bulls are controlled under law because what I am seeing—and maybe there is need in the legislation for a clause with a cut-off date where persons may have to report to the local bodies if they have any animal bred from these lineages. If you do not have that and it is left to the public, there are many people out there who will simply take the position that this is not a pit bull.

I think you may need to introduce and put the onus on all persons who have any dogs bred from any of these lineages to report to the local authority by a certain time, because if that is not being done, there are going to be many dogs out there that are not going to be effectively controlled by this legislation. Once the dogs are presented, the vet says it is a pit bull, that is the authority, you must comply.

The other thing is, the law says any person wishing to keep one of these dogs can do so under the condition that the premises are secured and you have to have an inspection and, on inspection, the authority will determine that the premises are indeed secure enough to have a pit bull.

With respect to the suitability of premises, I think we may need to look at this again because if a person has a pit bull and seeks to have the premises authorized so a licence could be granted—what if the person who comes to look at the premises fails the premises and says they are not suitable? Do we have a clause in the Bill that says what should happen then and there? Because the owner is going to be left with those dogs in premises that would have been deemed to be unsuitable. Is such a person now guilty of holding dogs on premises without a licence?

Mr. Maharaj: Mr. Speaker, for the person to get a licence, there must be a certificate that the premises have been inspected and okayed. So if the person does not get that certificate, he would be in possession of a dog without a licence, therefore the corporation would be able to take steps in relation to that dog. It goes to the court and the court can allow the dog to be kept in the meantime while the matter is determined, and then the court makes the order.

In other words, you do not have a situation where—we did not want to put in the Bill that we could just go and take people's dogs and destroy them, so it goes to the court and the court has the power where it would be able to order the dog to be kept in the interim at a certain place until the matter is determined.

Dr. K. Rowley: Mr. Speaker, the Attorney General, more than anybody else knows what our court system is like. Take a scenario where there are five pit bulls in a yard, somebody applies for a clearance to keep them, a state official comes to

the yard and deems the premises to be unsuitable. If we have to go to the court, there is a period of time involved.

Mr. Maharaj: They could take the dog.

Dr. K. Rowley: They could take the dog? Is it could, or must, otherwise the state would knowingly be leaving dangerous dogs in a compound that is insecure. So I think we need to look at this again to clarify what should happen when animals are on premises that have been deemed unfit, and that action has to be immediate, it cannot be going through the courts.

In fact, I am suggesting that there may very well be such an owner, so we should put in the legislation, once the premises are failed that a very short and specific period of time should be given to respond. So the next action would have to be that the premises are now secure in a very short space of time, or the officer and the state can then take those animals immediately. Do you follow what I am saying?

I have another problem with respect to people who want to keep animals and the people who will see the premises as secure. Let us take a condominium complex which has a very good perimeter, or a place in East Port of Spain or elsewhere in the country—I raised this point before—what I call communal living. There are a number of situations in the country where a building may have a yard which is fenced and secured, but in that building there are 3 to 5 separate families. One individual who lives in apartment “X” decides to have a pit bull, so that pit bull is really in premises that are secured from a structural standpoint, but the other owners who share the yard are terrified of Mr. “X’s” pit bull in the yard. How do we treat with that, because the current provisions in the law would not treat with it? It says the premises are secured, the apartment he lives in might be secured, but the dog still poses a great threat to people who are sharing the common passageway or yard. I would think if we are to achieve the objective we have set out to achieve, which is, to protect the public from the dangers of these animals, I think the law should specifically ban their keeping on compounds which the local authority deems to be a communal compound.

Mr. Maharaj: Under the definition, a public place includes the common part of premises containing two or more separate dwellings, so that would be a public place, which means they would not be able to have the dogs in those places, but they could be kept in the house of the person.

Dr. K. Rowley: That is my point. The dog can be kept in the house, such a house may have a common corridor.

Mr. Maharaj: It cannot come on to the common corridor.

Dr. K. Rowley: Mr. Speaker, I said when I started, that the Bill is good, but there are certain practical aspects of it. Anybody keeping a dog like a pit bull in an apartment in a communal compound will have that dog outside under certain circumstances. I cannot see anybody keeping a pit bull in an apartment permanently without ever coming out on the corridor. I am saying under such a dwelling house, under such conditions, no person shall keep a dangerous dog in that situation. We need to add that to the law. If you want to keep a pit bull you cannot live in a place like that and have a pit bull. If you live in such a place, you cannot have one because the practical aspect, while it sounds good that the law says that you are allowed to keep it in your apartment; you know, I know, the owner knows it is not feasible to keep a pit bull inside an apartment. They are going to bring it in the corridor and if some child is running in the corridor what happens? Your door is opened from time to time, your yard, that is where they show it off.

I will give you an example of what happened recently, because no matter what the issues are, there are people who will stand up for their defence and some of our fellow citizens claim rights that are detrimental to us. I do not know if you saw the news this week where somewhere in North Eastern United States of America some person called up the authorities and informed them that one of his snakes had got away. The snake turned out to be one of the most deadly vipers in the world. That viper is so deadly that if it bites you, there is an 80 per cent chance of you dying. There is virtually no antidote available, and certainly, none was available in that part of the country. Do you know what they had to do? They had to evacuate the entire building and since the snake was missing in the neighbourhood, evacuate the entire neighbourhood and the officers of the state; firemen and others who were searching for the snake were doing so with their lives at risk. In the meantime, the US Government was searching the country to find an antidote, they eventually found a small amount in Connecticut. Luckily the snake was found in the apartment coiled up in some corner.

That is somebody's pet. That is the kind of person who will demand the right to have a pet in a neighborhood like that. I am telling you this to put in context some of the arguments by some of the pit bull owners. Some of them do not understand what the country is trying to deal with because that, fortunately—

Dr. Job: *[Inaudible]*

Dr. K. Rowley: The story did not say, but I presume they would have destroyed it because it was such a dangerous thing. The fella was charged because

apparently, he ought not to have had it. Keeping venomous snakes was against the local code so in fact, he was in violation of the code. He took it upon himself to call the authorities because he knew the threat the snake placed on the community and he called and informed them that his snake had escaped. Pandemonium in the whole neighbourhood.

I have seen big people walking with these dogs around the savannah and little children grabbing on to their parent's dress and walking sideways. I have seen big people walking sideways in the presence of pit bulls and that ought not to be. Why should I not go to a public place like the savannah for some fresh air?

I went to a function at my colleague's house, the Member for La Brea, and I had my two small children with me who were running around the compound—state compound—and I looked across and saw two pit bulls; one on a chain and the other in a cage. I immediately gathered my children close to me. I kept my eyes on that dog for the whole day and before the end of the day, would you believe the one outside had broken the chain? I saw the man coming to collect it and take it away. It was a fund-raising function with lots of children running all over the place and this dog was loose.

12.05 p.m.

So when I told the story to the people who were gathered there they told me that same dog had already terrorized a number of persons in and around Beach Camp Road. So it is a known terrorizer. It was there in an unfenced compound. I say this to bring home the point that we cannot rely on owners or the mentality of the dog to protect us. We have to take drastic measures.

So I would like to suggest to the Attorney General when we come to the committee stage that we add to the legislation that none of these dangerous dogs should be kept in any compound, that can be deemed as communal, because that would not have the effect of protecting the public.

Clause 9 says that no juvenile may have a pit bull or dangerous dog, and I just wanted to ask: what is the penalty if that law is breached? Is there a standard common law penalty we should apply? Or, does the law require to put a penalty in place in the event that clause 9 is breached? Again, dealing with the practicality of the situation, I think the Government, through the local government bodies, should prepare quite adequately for a flood of these animals to come under Government control. While we have put in the legislation the need for insurance to deal with after-the-fact incidents, my feeling is—and I have seen reports in the newspapers—that insurance companies are not keen on this business.

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Insofar as insurance becomes available, I am sure it will be at exorbitant cost. In fact, where the law specifically says that they are going to be joined in any defence where the dog—which is insured by the company—has committed some infraction, I could see insurance companies viewing this as bad business. So when one adds the insurance companies' unwillingness to provide the policies, and the exorbitant cost at which they are going to be provided and the likelihood, the high risk involved, I expect that owners of these dogs will have difficulty in getting the required insurance.

So one of two things is going to happen: irresponsible owners would set the dogs free—because they rather do that than see the dog be put to death, because, basically, handing it over to the authority is, in fact, a death sentence. You must understand that people love their dogs. I am sure this fellow loves his snake. Many persons would be tempted to turn these dogs loose. The minute this Bill comes into law, the authorities would have to be aware and be on the lookout for these dogs being let loose in places where people believe that the dogs' lives can be saved, while not posing a threat to the public. People would, unwittingly, take them to distant places and turn them loose. I think when they are being fed and petted they are dangerous, so you could imagine when they are abandoned and hungry.

When we give the authorities the clearance to kill these dogs if they appear in a public place, I think that clause needs to be clarified a bit further, where they ought to be killed if they appear, in an unsupervised manner, anywhere. Because you have to understand, what if the dog turns up in my yard? My yard is not a public place. Does the law specify the destruction by the police or so, only in a public place? Or, if a dog like that turns up in my yard, can I call the station and have a constable come and put the dog down right then and there?

Mr. Speaker: Hon. Members, the speaking time of the hon. Member has expired.

Motion made, That the speaking time of the hon. Member be extended by 30 minutes [*Mrs. C. Robinson-Regis*].

Question put and agreed to.

Dr. K. Rowley: Mr. Speaker, I would not be long because I am coming close to the end of my contribution. Again, from the practical standpoint, to continue on the point I was making about the authorities having to be prepared to deal with a rush of action. We know what the situation is now with respect to the state responding to human claims; somebody calling the station about a violent crime, a rape, a burglary and so on. While the police are doing the best they can under the

circumstances, we do get reports on a regular basis that people have been faced with the response that they are not able to respond as they should because they do not have the vehicles. Are we to expect that response to a call for assistance about a dog is going to be any better? I think it is going to be worse because it is likely to say, well, I mean, a dog is no more of a threat than a man with a cutlass who is chopping somebody. So we ought not to think that because the law says that this is what will happen, that that is most likely to happen. It is more than likely something else might happen. That is why we need to dot as many “i’s” and cross as many “t’s” as we should, if the objective is to be attained.

I am a little confused and I hope the Attorney General will try to go over this again for the clarification of people like me who missed the point. I read the legislation and I listened to him this morning and maybe I missed something. In one breath I was hearing that it was not being done in a way to allow a person to say, “I was taking my dog to the vet”—let me put differently. Dogs are not to be in a public place at all. So taking them along the road to the vet is not permitted. So the vet would have to come to the person’s home to do the neutering, or the putting down. *[Interruption]* Wait a minute.

Mr. Maharaj: With the exception of neutering, the dog—

Dr. K. Rowley: So if the dog is going to be neutered, it can be taken to the vet surgeon?

Mr. Maharaj: Just for that purpose.

Dr. K. Rowley: So under no other circumstances should a pit bull or any dangerous dog or their offspring be in a public place. That explains why there is no provision for muzzling while in a public place?

Mr. Maharaj: As long as it is in a public place the police would be entitled to seize it and get rid of it.

Dr. K. Rowley: But if a person is walking from Belmont to the TSPCA with the dog to have it neutered, he is going to have to pass in a public place. Why then should he not be required to have it muzzled? Because a provision is made for it to be in a public place.

Mr. Maharaj: I would have thought that it would have gone in a car.

Dr. K. Rowley: Most people who have these dogs do not have any cars. You see them walking with them all over the place.

Mr. Valley: The vet’s office is a public place.

Dr. K. Rowley: I am saying the fact that you have allowed them to walk or take them from point A to point B to be neutered, any time an offence occurs on a trip, the person can say, "I was on the way to the vet." So we are saying, if that is the case; if you are allowed to take it to the vet then it must be muzzled.

12.15 p.m.

So muzzling ought to be a part of the control from here on, in that three-month period when we will get compliance in order. Any time the dog is in a public place, if only in this one instance where it is permitted to be in a public place, it should be muzzled. Now, you said there is somewhere else in the Bill where the concept of keeper comes in and that only applies when the dog is brought to the vet for attention of neutering. What are we saying then, that "As long as you have a dangerous dog, it has to be kept home on your premises and if it requires medical attention you have to bring the vet to you?" Well, let us say that so the public can know these things.

The reason I am going over these points, Mr. Attorney General, is that the public would know, those persons who decide to keep these dogs, that these are the constraints. "If you are going to have a pit bull on your compound neutered, if it gets sick and requires veterinary attention, you have to bring the vet to the dog. If you want to undertake that kind of expense, then you choose to keep that dog. If you think that will be too expensive, consider the other options." These points need to be clarified so that the public is well aware of what the legislation requires of them.

Finally, Mr. Speaker, I want to say to the Government that, as this Bill passes now, the public has three months to comply. Immediately on passage of this legislation, the state must embark upon a serious campaign of public education with respect to what this Bill contains and what the owners are required to do so as to assist dog owners to make proper choices, to assist them in understanding what the law is and how they can handle any animal that falls under the ambit of this law. If we do that, we will make it easier for owners to treat with the public.

Many persons did not get these dogs, meaning to be a menace to the public. The dogs turned out to be a menace to the public and they have to be handled. I think the Government must assist people in understanding how to comply with the legislation, and also prepare local government bodies by way of allocation of resources, because the current resource allocation does not permit local government bodies to adequately prepare to receive these animals and to treat with them in the context of this law.

So immediately upon passage of this law, additional allocation is required for every local government body, and the Tobago House of Assembly, specifically to put structures and personnel in place to treat with these animals, otherwise, we would have failed in the attempt to protect the public from these vicious animals. Mr. Speaker, having said those words, the Government is assured of our support and at the committee stage I hope we can further tighten up on the legislation to protect the public from what has been deemed by the vast majority of our citizens to be a menace that we can do without. I thank you, Mr. Speaker.

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

Mr. Speaker, it is not often that I sit in this Parliament—in fact, today is one of the most distinguished exceptions in the last four and a half years since I have sat and listened to a Member of the Opposition and I was unable to write anything that was negative or in opposition to what he said. Therefore, I wish to congratulate the Member for Diego Martin West because every point he made in his contribution was a valid point, except, of course, in the beginning when he was attempting to get some political mileage as a consequence of the Government having to bring back this Bill, although we had promised to do so within the period of three months. But I understand that, that he has to make a little wave in terms of his political future, particularly when he was speaking to a full press gallery at such an important hour of the morning. So there is nothing wrong with that.

He was very gentle and he was so compassionate that it is the first time I saw a certain side to his character, Mr. Speaker, and it reminded me how Shakespeare would have described it. He actually exhibited the milk of human kindness and he sounded so paternalistic when he said he gathered his children onto him, almost Christlike in the way he put it, and he had his eyes on that dog on that compound at Beach Camp Road all day. I could imagine the trauma, the agony and the anguish that he experienced for an entire day as a father attempting to protect his two little daughters. I had never heard compassion so described from the hon. Member for Diego Martin West.

Every one of the five points he made, Mr. Speaker, I am absolutely sure—and I was having a little crosstalk with the Attorney General—that the Attorney General and this side will take them on board during the committee stage because they are indeed very valid points. One has to understand why the Government took

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the position originally. Notwithstanding the fact that the Member for Diego Martin West attempted to make some kind of defence for the alleged statement of the chairman of his party, it was, in fact, printed, and I am absolutely sure it was what she intended to say on behalf of the party, that the PNM may not support the Bill when it came to the Parliament in terms of a complete ban on this vicious animal.

The Member for Diego Martin West was a Cabinet Minister at one time. He spent almost four years in the Cabinet and he knows how difficult the formulation of public policy is, in particular these sensitive and delicate matters with respect to property rights and human rights. That is why this Bill is today attracting a three-fifths majority, because it infringes upon certain sections of the fundamental rights of citizens of Trinidad and Tobago enshrined in the Republican Constitution of this country. He knows that. Therefore, in formulating public policy one has to strike a certain balance between the rights of citizens and the rights of property owners, and that is what we were attempting to do at that point in time.

We came, with a very heavy heart, to the conclusion that maybe regulation was the way to go as opposed to outright ban and outright confiscation, almost, of property. We attempted at that time to write into that piece of legislation very, very onerous fines, jail terms, imprisonment, licence fees, insurance policies and security of fences and walls in terms of the environment in which all these animals were to be housed and the kinds of restrictions that we were going to place on them in terms of their appearance in public except, of course, for going to the vet for neutering.

What was very interesting, Mr. Speaker, was that on that occasion, if you remember that debate, notwithstanding the fact that the Opposition took the position that we should ban these dangerous dogs and that we on this side were proposing a regulation, they went on to say that all the provisions in that Bill were too onerous. So one got the impression that they were pursuing a bit of a contradictory line. In the first instance, their chairman says, "Do not ban it". They come in the Parliament and say, "We want a ban". Then we say, "We are not going to ban now, we will wait for three months and see how it works out, but we are going to be imposing very serious restrictions in terms of all the measures, fines, penalties, imprisonment, insurance policies, fence, walls", and they were the ones who said all these things are so onerous because it is really the ordinary man who owns most of these animals.

Read the *Hansard*. I am not inventing this. When I went on to say the cost of one of these animals I was shouted down by that side saying, "No such costs for such an animal". When I went on to say the cost for the upkeep, feeding and veterinary services, they said, "No such cost", and also went on to say at that time that it was the ordinary man who was the owner of most of these dogs. The Member for Diego Martin West said that just before he wound up, that most of the owners do not own cars. He was alluding to the economic stratum of the ownership of pit bulls. Most of the owners do not own cars and therefore they have to take them on a leash and walk them from Belmont down to the TSPCA in order to have them neutered. So what he said today is no different from what was said in the first debate. So do not try to say that I am not representing you. I am not in for politics today, you know.

Mr. Valley: But you are.

Hon. M. Assam: I am not.

Mr. Valley: Yes.

Hon. M. Assam: No I am not. I am merely representing you as you said it on that occasion and I was merely trying to tell you the difficulty that you put the Government side on by contradictions and by inconsistent positions. That is what I was trying to tell you.

Dr. Rowley: Is the Member saying that, when I spoke here calling for a ban, during that debate I also said that we should not ban because small people owned dogs? Are you saying that?

Hon. M. Assam: I never attributed what I just said to you. I said "Members opposite", unless you feel that you are the totality of Members opposite, that you represent the embodiment, the corporeal form of all Members opposite. I said "Members opposite". I did not want to call names because I am not interested, as I say, in politicking but if you look at the *Hansard* you would see that certain Members opposite did make the point and I am saying this.

Mr. Valley: Mr. Speaker, if the Member is making that point, I would suggest that he quote from the *Hansard* and indicate when and at what period any Member on this side made such a point because I say that is a falsehood, that is a figment of his imagination.

Hon. M. Assam: I am not going to argue with the Member for Diego Martin Central because he is not going to tell me how to make my contribution because I will not tell him how to make his when he is accustomed to making his own

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statements, sometimes misleading and erroneous. I am not going to argue with him. I am absolutely sure this is what was said at the time, Mr. Speaker. Therefore, what I say is that because of their contradictory position, whether outside of the Parliament or in the Parliament, the Government was placed in an invidious position in that regard. I am very happy today that we have come to this Parliament and we have got the unqualified support of the Opposition, through the Member for Diego Martin West, in supporting the measures contained in this Bill.

I said I am not politicking. I am actually congratulating you. Apparently you do not seem to understand the English language when it is presented to you in a civil way. You prefer me to hammer you. I am telling you we appreciate it and we are very happy that today—because I have often said, Mr. Speaker, there are certain legislative measures that should not be of a partisanship nature. When it comes to the safety, the well-being, the welfare, the health and the quality of life of the people of this country, as Members of Parliament we should always join and find a way and a solution to move together in a bipartisanship way, and this is one of the areas.

We can argue about how we develop economic, health, educational or macroeconomic policy, but when it comes to the fundamental safety, health and well-being of our citizens, we must always find a way, Mr. Speaker, of being able to come together and join forces for these purposes. That is why I want to congratulate the Member once more.

Mr. Speaker: Hon. Members, the sitting is suspended until 2.00 o'clock this afternoon.

12.30 p.m.: *Sitting suspended.*

2.03 p.m.: *Sitting resumed.*

Hon. M. Assam: Mr. Speaker, when we took the luncheon adjournment, I was, in fact, congratulating the Opposition—and, in particular, the Member for Diego Martin West—for their co-operation in this piece of legislation before the House today. I was doing so quite sincerely, because as I was saying, on certain matters that affect the public's safety and welfare, there should be no partisanship with respect to these matters. I am very happy that we were able to bring back a Bill that reflects that kind of interest and safeguard for the public and the five valuable suggestions that the Member for Diego Martin West made in his contribution. I am sure by the end of the day—meaning after we have completed the committee stage—the Bill would have been a much improved Bill and would further reflect our regard for the safety of the people of Trinidad and Tobago, and

at the same time, come to terms with the existing dog population considered to be dangerous.

Mr. Speaker, the Member for Diego Martin West raised the point about snakes, and although it may have provided some amount of relief in this particularly serious debate, it is something that is worth looking at. I think some people use snakes to guard their homes, also Pekin ducks, I have been told. *[Interruption]* Yes, Pekin ducks and snakes.

I had a personal experience myself. Many years ago when I was in the private sector I visited Chile. One of the American's who used to work here with a certain pharmaceutical company, when I went there, I met him and he invited me for lunch at his home and I went. In front of the gate was a sign: "Cuidado, hay reptilias peligrosas en esta casa." It meant be warned, there are dangerous snakes in this house. Immediately I told him I am very sorry, he will have to take me somewhere else for lunch, not in that house because I myself am not too happy being in the company of snakes. That is why I have never been a member of the balisier team. I understand that reptiles have a tendency to inhabit the balisier, particularly, those balisiers that are found in the forests and jungles of this country. Perhaps, the ones that are cultivated in one's yard may be protected from such reptiles and I hope we are so protected in Parliament. On the more serious side, it is a fact that some people in this country use snakes to guard their homes and, perhaps, one day we may have to come to this Parliament with legislation to deal with that matter.

Mr. Speaker, with respect to the question of juveniles being prohibited from owning a dog—and this was a matter raised by the Member for Diego Martin West—I think that obviously the juvenile is incapable of coming to terms with all the various impositions and restrictions surrounding the ownership of such a dog. I think, obviously, it is a very good provision and, therefore, it is something that had to be placed into the legislation. Although, on a previous occasion, it was suggested that you may be denying a human being of his rights, it is always a balance, as I said—the question to what extent you restrict rights in order to ensure the safety, health and welfare of the rest of society. It is always a balancing act when people who are responsible for formulating public policy are engaged in such an exercise.

Mr. Speaker, I sincerely hope that the loophole that appears to be part of the query that the Member for Deigo Martin West raised in respect of those persons who may have half breeds or quarter breeds of pit bulls, and the whole question of having them registered—and not only registered, but failing to register them may

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also constitute an offence. I sincerely hope that we have that level of responsibility in the society that people of their own volition, would do so rather than having to run the risk of being prosecuted for not reporting any dog that they may own with any lineage of the pit bull or any of the other dangerous dogs.

Mr. Speaker, the other point that the Member for Diego Martin West raised, where it is quite possible that upon the enactment of this piece of legislation, persons may not have the wherewithal to keep these dogs. For example, they may not have the money to take out the insurance. As the Member pointed out, the insurance policy premiums may be prohibitive; they may not have the money to fence their yards or houses as required in the legislation because it would incur some bit of expense; they may not have the wherewithal to bring vets to their homes. The only occasion when you could bring the dangerous dog out, as was said before, is to take it to the vet or some institution for neutering.

Mr. Speaker, I hope that we would exercise the gravest sense of responsibility in not letting loose these dogs, whether into the forest or some areas which people may feel may not pose any kind of risk to the rest of the population.

2.10 p.m.

I agree with the Member 100 per cent, and if I could agree with him more, I would do so, in terms of the public education programme that will be necessary. In fact, the Member for Caroni East almost pre-empted the Member for Diego Martin West before he made the statement that we have to engage and undertake that kind of public relations and public education programme to educate both sides of the fence. Not only the persons who own dogs that are deemed to be dangerous under this piece of legislation, but the public at large and, also, the institutions that may be involved in carrying out this legislation. For example, vets who have to neuter them, the local government bodies, constables and officers of the law, and so forth, so that everybody will have a secure knowledge of how to proceed to implement this piece of legislation.

I am sure the mechanics and the logistics will be worked out to the satisfaction of all. I also agree that perhaps a larger allocation of resources may be necessary in order to ensure the effective implementation of this piece of legislation.

Mr. Speaker, I would like to thank Members opposite and, in particular, the Member for Diego Martin West, for their support of this Bill, and I thank you for giving me the opportunity to make these few remarks.

I thank you.

Mr. Fitzgerald Hinds (*Laventille East/Morvant*): Mr. Speaker, I merely want to correct the record of this House, that I find necessary, following some of the comments made by the Member for St. Joseph. We appreciated his commendation and his congratulation on the contributions we made, but the same cannot be said for his account of the history of this legislation as it made its way through this House.

Mr. Speaker, the Member for St. Joseph must be reminded that when a Bill comes to Parliament, it naturally follows on Government's contemplation of the issues and Government's settlement of a policy position on those issues. The first Bill that came to this House in respect of dangerous dogs was a reflection of the Government's policy to ban the dogs out and out. The first Bill was a ban Bill. Thereafter, the Government presented a Bill that was regulatory in its orientation, and it abandoned the policy of an out and out ban on the dogs.

We are not in a position to say what would have caused the Government to make that complete turnaround on this important and fundamental issue. We suspect, however, that the Government, as it pretends to be flexible and responsive to the needs of the people of the country, as it often claims, was lobbied by a group of persons. In their attempt to please that very minor group, they reflected on their thoughts, rearranged their policy position and came with a Bill to regulate what has now turned out to be an element, an aspect of our existence, a problem in our society that cannot be regulated. The evidence is clear.

The Attorney General and, of course, the Member for St. Joseph, made mention of a comment made by the chairman of the PNM, but, Mr. Speaker, those comments were made before any Bill was before this House. When the Government's second Bill—the Bill that was designed to regulate dangerous dogs—came here, we, the official Opposition in this House, indicated quite clearly to the Government that we would not support that regulatory Bill and that we were for out and out banning of those dangerous animals. So, the Government disregarded our utterances in this House, in the debate that they brought or initiated to regulate the dogs.

To come here today, as the Members for Couva South and for St. Joseph did, to suggest that they were influenced by a statement by the party chairman before a Bill was in this House—which was not even a definitive statement. It was a statement about whether we might or might not. It did not give an indication as to any fixed position, and there could be no fixed position, because by then, we did not see yet what the Government was coming here with. In the face of our strong position that we were supporting only a Bill to ban it, the Government went right ahead and rammed the Bill through this House, as it is often wont to do. So, we

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consider the congratulations of the Member for St. Joseph to be quite appropriate, but we consider his suggestion that they were influenced by the statement made outside of this Parliament to be a nonstarter.

Mr. Speaker, the Government used its majority in this House and it passed the legislation here notwithstanding. When the Government got into the other place with the measures, it is there that the Government's problems really began. It did not get the support of the Independents, as the Attorney General said this morning, and I have a strange and strong feeling that it is only because they did not get that support that we are here again today. Had they been able to win the support of the Independents in the Upper House, we probably would not have been here today. All our suggestions in the debate here would have gone unheeded, nonetheless. When the Attorney General sounds rather conciliatory in his tone, it may very well be that this is only necessary because the Bill could not go through without the numbers that it demanded in the other place. However, we are here and we go back to our original position in supporting an out and out ban.

There is one other matter that I feel must be recorded properly. The Member for St. Joseph, in his contribution this morning—perhaps out of the tendency to imagine; perhaps a poor sense of recall; perhaps they were his thoughts and he is now attributing them to others—said that a person or persons on this side made certain comments in terms of the general ownership of the dogs. We have researched our notes and we have made the necessary inquiries and there is no support whatsoever for his position, Mr. Speaker. We call upon him to find in the *Hansard* support for his contention that some person or persons on this side of the House suggested that these dogs were largely kept by people of a certain social and economic strata in the society.

Mr. Speaker, I merely wanted to put these issues straight for the record, because we are always mindful of the fact that a lot of things can be said, but 100 years from today, or however far into the future, when people are reading the record of the proceedings in this House, it must not be said that the People's National Movement, in Opposition or otherwise in this House, acted irresponsibly or took irresponsible positions. This, my short intervention, is simply to refute and rebut those suggestions made by the Member for St. Joseph. Having done that, I wish to thank you, Mr. Speaker.

The Attorney General and the Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, may I thank the Members on the other side for the contributions which they have made in this matter, and may I single out the hon. Member for Diego Martin West whose contribution today, in my

respectful view, is a contribution with a difference. From his contribution, I think the Government has been given some areas of the Bill which must be looked at again in order to ensure that there are no problems in the Bill, because it is one thing to go ahead with it, but it is another matter if, for some reason, the Bill has loopholes.

Mr. Speaker, there are certain areas which the hon. Member for Diego Martin West has raised. He made mention of premises, if they do not satisfy the conditions of the bill and the dog is unlicensed. There are provisions in the Bill for steps to be taken, but I think they have to be tightened up.

The other question with respect to the dogs being half-breed or of a kind which is prohibited under the Bill, owners of dogs would feel that they can take the position that their dogs are not covered by the Bill. With regard to his suggestion that we consider having a provision whereby there would be an obligation for dog owners to register and for there to be some kind of register so that the local government ministry would be able to have some kind of opportunity for examining these laws, I spoke to the Minister of Local Government in respect of what is being contemplated for this Act. It would seem that the local government ministry would be making changes in its administration to the extent that it would be able to cater for this Bill, but I think that the point that has been made is still a very valid point, and anything to ensure that the state machinery would be able to have an idea of who has dogs and whose dogs can possibly contravene this law is a very good idea. It is a matter which I have given the draftsman to try to find a way to put into the legislation.

I must confess that when the point was first raised with the condominium, I took the position that having regard to the definition of "public place", perhaps the fears of the hon. Member could have been satisfied, but on examination and re-examining it at lunch time, it would seem to me that it probably may not be practical to have people in these places keeping dogs in their apartments because, in any event, these dogs can rush out of the apartments and the premises would not be secured. On that issue, I think we have to look at it and take what the hon. Member has said into consideration.

There is a provision in the Bill dealing with the punishment of young offenders. It is \$50,000, but we will look at it again. I am saying this in order to do justice to the contribution made by the Member for Diego Martin West. Because of the valid points which I must take into consideration, I would ask leave not to complete my submission today and we will put this matter for Friday

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morning in order to complete it. Some aspects of the Bill ought to be looked at in order to see that they are redrafted in accordance with what we want.

There was the other point raised by the hon. Member for Diego Martin West where the dog enters private premises. The Bill specifically deals with that, and I will point it out to him. The very important point is the transportation to the vet for the purpose of neutering. I think that we will have to see how we will protect the public in respect of that. One of the suggestions we had in the other place was that this process of neutering the dog could take place at the residence, but we were advised that it could not be done because of the length of time it takes for the dog to recover. That is why it has to be done at the vet's business place.

2.25 p.m.

Dr. Rowley: Could you clarify for me, what can happen if a dangerous dog appears on private premises? Also, while you are on your feet, the Bill speaks about neutering, but I think we may need to include spay because neutering is specific to the male. So neuter and spay.

Hon. R. L. Maharaj: Mr. Speaker, in respect of private premises, clause 13(4) of the Bill states:

“If the owner or keeper of a dangerous dog allows it to enter private premises where it is not permitted to be and—

- (a) the dog injures any person; or
- (b) there are reasonable grounds for apprehension that it will injure any person,

the owner or keeper commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for one year.”

Apart from the offence, you know if a dog is dangerous and is a threat to anyone, the law is that you do not have to wait until it attacks you, you can defend yourself, so that a private person would be entitled. If you wish that to be expressly put in the legislation, we will put it.

Dr. Rowley: I would like to see that put specifically, that a person may take that action because, otherwise you may find a person who is in fear of a dog might destroy or damage a dangerous dog on my premises, and be faced with a lawsuit. So to avoid that from happening, you should make it quite clear that such a thing could allow a person to take action.

Hon. R. L. Maharaj: It is something which I have been considering. In any event that is why I mentioned I would look at it again. Although it is an offence, the fact of the matter is what would an individual do with a dog on his premises? He must have the right to shoot, kill, or take whatever steps he wants, if he wants to do that, and he would not be liable.

Mr. Speaker, I think that we have all agreed that whatever may have been the different positions we may have taken from time to time, the fact of the matter is that this poses a serious problem to the country. I think for the records, I should put this in perspective, because I think that some of the matters which have been said today are not accurate; especially with respect to what has been said about the publication in the newspaper.

The last Dangerous Dogs Act was in 1918, and since then there has been no substantial amendments to this Act, and nothing happened with respect to the Dangerous Dogs Act until this Government in 1998, when the Acting Attorney General, the Hon. Ganga Singh on October 16, made a statement in the Parliament and he said that Government was considering banning the importation of dogs and the sale or exchange of pit bulls. Then the original Bill was introduced on November 20, 1998. When it was introduced, I mentioned in a statement on the introduction of that Bill that, it was a killer dog but it was a matter in which, although the Bill was being introduced, we are still allowing the country to give its comments, because it was not cast in stone. It was an important issue.

As a result of that there were publications in the newspapers saying that the Bill was introduced and people could submit their comments, which came. While those comments were coming—it is not correct as the Member for Laventille East/Morvant said—there were questions of the divided public opinion in respect of the Bill, and the Government had to decide what it was going to do. In October, when the Acting Attorney General made his statement on what the Government's policy was and what it was going to do, there were many comments coming that it should not be a complete ban. When we came here—I said this morning in my opening statement—the Opposition took the position that it wanted a complete ban, but I cannot say it was an easy matter that one had to decide. The fact that we are here, and still looking at it shows that it is a matter in which the Government must be flexible because there are different views and if the Government is accused of acting improperly, because it is flexible and listening to different views, and decided to try to have a Bill which would reflect having considered all the views, so be it. I have no problem in facing those accusations, because I feel very comfortable that, as Attorney General, I was able to take all these views into

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consideration and when we saw what was really required, and what was in the public's interest, we made a decision. That is what Parliament is all about: it is about looking at different views, considering them, and making decisions that are considered to be in the public's interest.

Mr. Speaker, if this Government wanted to pass this Bill in the other place, it could have passed it. I have the *Hansard* here, the Opposition in the other place supported the original Bill that was passed here and went to the other place. I have the contribution here, if you want me to read it I will read it. They voted for that Bill.

Mr. Valley: Can the Member indicate from the *Hansard* that the Members of the Opposition in the Senate voted for that other Bill?

Hon. R. L. Maharaj: They could not have voted for the original Bill—but in their contribution. Mr. Speaker, when the Bill was being debated in that House—before it reached the committee stage, when the Bill was changed—the Opposition Members supported the Government's Bill.

Mr. Valley: Is the Attorney General saying, at the second reading of the Bill, before the committee stage the Opposition Members voted for the Bill and he went to the Senate with it? Is that what he is saying?

Hon. R. L. Maharaj: Mr. Speaker, I am saying, the voting only takes place at the committee stage. When the Bill was being read the second time and Members of the Opposition and the Independent Senators had to speak, the Opposition Members said they were supporting the Government Bill.

Mr. Valley: Mr. Speaker, before the committee stage, a vote is taken, the Member said that the Members voted for that Bill, I am asking whether on the second reading, just before the committee stage, did the Members of the Opposition in the Senate vote for that Bill?

Hon. R. L. Maharaj: Mr. Speaker, I am saying that, the speeches which the Opposition Members made, gave support to the Government's Bill which was introduced in the Senate, and it was at the committee stage that the Bill was amended in order to provide for the banning.

Mr. Valley: Mr. Speaker, one last question please. At the committee stage, certain amendments were made, I am asking whether before the committee stage, when the vote was taken at the second reading, because before we go to committee, there must be a vote.

Hon. R. L. Maharaj: I have no recollection of it.

Mr. Valley: It must be shown in the *Hansard* record.

Hon. R. L. Maharaj: I have not checked that.

Mr. Valley: You can check it, because you said categorically a while ago, that the Members of the Senate voted for the Bill. All I am asking is whether before the changes were made at the committee stage, the Members of the Opposition voted for that Bill at the second reading in the Senate?

Mr. Assam: Mr. Speaker, I want to ask a question for my own edification. Unless a division is taken after the second reading, is a vote recorded in *Hansard*, or the presiding officer merely asks whether the “Ayes” or the “Noes” have it and he says the “Ayes” have it?

Mr. Speaker: I must say hon. Members, both sides really have me amazed. It seems as though it is just too good that both parties could be agreed as they are on this matter and on the measures, and we must find something that would bring about controversy. Whoever started it, it takes two to tango. I would appeal—this could be made an election if you want, one could get the *Hansard* and make an issue of it, but for heavens sake, could we please perhaps get on with the issue and move on to the other matters.

Hon. R. L. Maharaj: Mr. Speaker, the Member for Laventille East/Morvant talked about a newspaper article and I read the newspaper article in relation to this:

PNM may not back pit bull ban.

The Opposition PNM may not support government legislation to ban pit bulls according to PNM Chairman Linda Baboolal, but she said the PNM was in favour of controlling the animals through licences.

Speaking at a press conference at Balisier House following last Sunday’s PNM General Council meeting, Baboolal said: ‘This Government has been known to slip into legislation clauses that attack the constitutional rights of the people of Trinidad and Tobago. We are committed to ensuring this does not happen. We are in principle in favour of controlling pit bulls and this may be done through the use of licences.’”

Mr. Speaker, I really do not see in a debate like this, if the Opposition wants—and they have made heavy weather of it—yes—the Government has taken two positions. As I have said we have no problem with that. We believe that is the duty of Government. It may come with a measure. It can look at it again and come back with it. It was better to do that instead of pass the wrong law.

Dangerous Dogs Bill
[HON. R. L. MAHARAJ]

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Mr. Speaker, an important point has been raised about constitutional rights. No fundamental right is absolute, and it is correct as was said, that a Government has to look and balance the rights of the majority against, to a great extent, the wishes of a minority, especially in relation to matters relating to the enjoyment of property.

So where you have, for example, in the Constitution there is a right to the enjoyment of property, that does not mean that the Government cannot regulate the enjoyment of property. That is why a motor car cannot go down a one-way street for example. Vehicles are regulated. Although the vehicle belongs to people, they can be regulated in the public's interest. Although the owners of these dogs are saying they have a constitutional right, I think that the owners have to recognize that the Constitution gives to the Parliament the right to be able to make laws, even though they may be inconsistent with the fundamental rights. This law is recognizing that the owners have these rights, but it is also recognizing that these measures are desirable in the public's interest.

Mr. Speaker, I ask leave to continue my contribution on Friday—and I will ask for the further proceeding of this matter to be adjourned—when we would have considered fully the submissions made by the hon. Member for Diego Martin West, we would have been able to effect whatever drafting is required, it not being done quite quickly in the Parliament. We will put this for Friday, May 12, 2000.

Assent indicated.

Mr. Speaker: In the circumstances, the Attorney General will conclude his winding up on Friday, May 12, 2000.

2.40 p.m.

TRINIDAD AND TOBAGO STEEL ORCHESTRA (AMDT.) BILL

Order for second reading read.

The Minister of Culture and Gender Affairs (Sen. Dr. The Hon. Daphne Phillips): Mr. Speaker, I beg to move,

That a Bill to amend the Trinidad and Tobago Steel Orchestra Act, 1999, be read a second time.

The purpose of the Bill is to correct certain inconsistencies and errors in the Act so as to allow its swift implementation. The National Steel Orchestra Act, No. 19 of 1999, was assented to on August 23, 1999. In attempting to implement the

Act, it was subsequently found that there was an inconsistency in the listing of the number of members which constitute the board and the number to be appointed by the President, in that, whereas seven members were to be appointed by the President, eight such members were described. This anomaly prevented the President from signing the instruments of appointment.

Section 5 of the original Act states:

“(5) The Board shall be comprised of seven members appointed by the President.”

But it proceeded to describe eight such members. This Bill, therefore, is a simple one which seeks, in the main, to repair this inconsistency. At the same time, however, the opportunity was taken to address other issues, namely, the correction of typographical errors and the inclusion of suggestions and comments of the Comptroller of Accounts and the Treasury Solicitor with respect to the financial provisions in Part 3 of the Act.

Clause 4 of the Bill amends section 5 of the Act by assigning the musical director, who is to be employed by the board, an *ex officio* position on the board. The musical director, therefore, is not to be appointed by the President.

Clause 7 amends section 13 of the Act by assigning to the accounting officer of the ministry with responsibility for culture, the role of the accounting officer for the purposes of the fund set up by the Act.

Clause 8 of the Bill will amend section 15(4) of the Act by deleting all the words from “thereof” and substituting the words, “of such statement” to allow the responsibility of submitting audited statements to Parliament to remain with the Auditor General. That was not clearly defined in the Act.

Clause 9 amends section 18(1) and provides for compliance with the direction of the Minister of Finance as to the date before which estimates will be submitted.

There were some simple errors in the Bill.

The typographical errors to be corrected relate to sections 8 and 22.

In section 8(c), the comma between ‘music’ and ‘literacy’ is to be removed so it should read: ‘music literacy’.

In section 22, the marginal note should read “composition of the orchestra”.

Steel Orchestra (Amdt.) Bill
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Mr. Speaker, these are the provisions of this very simple Bill but they are all necessary to permit the board to be appointed, and to enhance its smooth functioning, and allow the board to carry out the important work it has to do.

I beg to move.

Question proposed.

Mr. Eddie Hart (*Tunapuna*): Mr. Speaker, first of all, I listened to the Minister as she outlined the purpose for our being here today. I just want, with your permission, to read out the reasons for setting up the orchestra. It was said that the attributes of the National Steel Orchestra should be national in scope, that is, as far as possible, it is to be representative of the national cultural mosaic that is Trinidad and Tobago. Its members shall be, as far as possible, drawn from all areas of Trinidad and Tobago and should consist of the deft talent of Trinidad and Tobago in the fields of pan composition, performance, tuning, arranging and conducting to ensure the orchestra can take pride of place alongside renown orchestras of the world.

To be forewarned is to be forearmed and when we debated that Bill in this House, we on this side were saying that there was no need to rush into this in an effort to score political points, but that we should sit and carefully examine the legislation because it was not the first time that such legislation was attempted. We were pointing out certain things and the Government went ahead and launched the orchestra for the Independence celebrations in 1998 and since then I have been monitoring, as a practising steelbandsman, what is going on with the orchestra. I ask the Minister, through you, Mr. Speaker, a couple questions. First of all, in the Act, much time was spent defining the board and board members and very little was said about the pannist themselves, and I wonder why.

Other than that, at this point in time I am still asking who is the musical director? What is the state of the instruments which I expressed concern about earlier on—who will tune them, how they will go about procuring these instruments? At one time Pan Trinbago was asked to do this and suddenly we heard they got a few instruments from Lincoln Enterprises. So I want to know if the National Steelband has all its instruments

In the *Daily Express* of Friday, May 5, 2000, on page 30, there is a photograph of the Prime Minister and the President of Pan Trinbago and what the headline said is alarming to me: “Pan Chroming Plant To Move To Grenada”.

2.50 p.m.

We all know chroming is what is done in order to complete the instrument after it is tuned. I read about seven months ago where the President of Pan

Trinbago met with the then Prime Minister because the owners of the company, Chrome Furnishers Limited, Mustapha, had intended to migrate and they had offered Pan Trinbago the opportunity to purchase the plant. They had a meeting with the Prime Minister and he gave them the assurance that something would be done about it. That was seven months ago. Now we understand that most of the family has already migrated and a foreign investor from Grenada has offered to buy the plant.

I think it was going to cost Pan Trinbago \$1.7 million and if the Government had purchased the plant then, not only would they have been able to chrome the instruments, they would have been able to do business like chroming beds and chairs, *et cetera*, the whole works, and up to now nothing has happened. So the possibility exists that after instruments are tuned in Trinidad and Tobago we would then have to send them to Grenada to get them chromed. Now, it is already very costly in Trinidad to get one's instruments chromed, about \$700 for a tenor pan. There is a waiting period of two weeks, at the minimum, to get those instruments back from the chrome factory and if you want to get it back before that, then you have to pay like overtime costs, *et cetera*. So I wonder now, having to send these instruments to Grenada with no one to monitor the situation, and then you have to pay for shipping and insurance—you understand, Mr. Speaker, what the position is?

To be honest, Mr. Speaker, I have seen this Government invest in so many other things. We have been saying it over and over, and it is a fact, things like Miss Universe, and right now they are speeding up work at the airport, spending \$100 million to expedite things in order for it to be completed for August again. It is like they believe in this August deadline. The Government had to spend just \$1.7 million to purchase the plant yet this has not been done, and this is a concern to all steelbandmen and steelbandwomen in Trinidad and Tobago, you know. I wonder if the Minister, when she gets up, will be able to tell us something about that. This is a sad state of affairs.

These instruments are made from oil drums and for the longest while, you know, Bertie Marshall and Anthony Williams have been working at CARIRI, at UWI, doing tests concerning the metal of which these instruments are made. At one time Van Leer used to produce the drums with the 18-gauge metal and they have since stopped. Now the drums that the tuners are getting are not able to be used at both ends to start with and tuning has come to a grinding halt because they are not getting the correct metal. We were advocating that a plant should have been set up here where we could get the drums made especially for the steelband.

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Again, if you have no drums to tune instruments, you have no plant to chrome the instruments, then where are we going?

You know, Mr. Speaker, once Black Stalin, the same calypsonian who did the eulogy at Sundar Popo's funeral, he sang some good calypsoes and still makes good calypsoes concerning the steelbands, like other calypsonians. One of his calypso lines said, Mr. Speaker, "Some day we'd hold our head and bawl if ah did know; if ah did know, because we woulda hold on to our steelband and calypso". Then calypsonian Cro Cro, a name some of the others on that side do not like to hear, also sang a calypso, "Where pan reach", and Stalin again told us, "The pan gone but the pan man stay". In many places abroad they are setting up factories and many other things to deal with the steelband and we in Trinidad and Tobago are at a loss.

When we came into office, I understand there was a Cabinet Note there stating that the NAR government had demitted office but a fund was left there with some \$7.6 million to give to the steelbandmen. What the steelbandmen were supposed to do was to submit their projects to the Government and the Government would have given them the necessary funding. It was our political leader and then Prime Minister who decided to take money from that fund and give it to the steelband movement. Approximately \$3.5 million was given to the company, Panvesco, to which steelbands could go and get loans instead of going to the banks to go through the routine. This was of assistance to the steelbands in procuring their loans.

Approximately \$500,000 was also given for them to write the history of the steelband because there are always arguments about who started pan first and when it started and how it originated, *et cetera*. So our political leader gave them the funds and then we demitted office. So if we demitted office and we gave them about \$3.5 million, the balance of money, they have been asking for it all the time and up to now nobody seems to be able to tell us anything about that fund.

This \$1.7 million for the purchase of the plant is a mere drop in the ocean the way this Government is spending money, like money is going out of style, with Ringbang and ADDA and all kinds of foolishness and \$1.7 million to purchase the plant yet they are not purchasing the plant. So then, will we have to go to Grenada to get our instruments chromed? This is a disgrace, Mr. Speaker. So now we have problems with the chroming and with getting drums.

Now, in the Act they spoke about the band being able to make tours. My information is that from 1998 to now—now, get me clear, Mr. Speaker, I love the panmen. I am glad for them. I am glad that they are getting a little money, but I feel they must be treated properly. For instance, Mr. Speaker, out of the 30

members—well I think I should take this opportunity, on behalf of the Members here, to express our condolences to the family of the youngster from the national steelband, I think it was last week, who passed away, a 20-year old. We extend our condolences to the bereaved relatives of this young man.

I am now reminded, Mr. Speaker, of someone else. You know, on occasions like the opening of Parliament and so forth we stand here and whenever the National Anthem is played, it is played about three or four times, we stand to attention because we love the anthem and we pay respect to the anthem. Again it is very sad that Mr. Pat Castagne passed away and not a word was said here. With your permission, Mr. Speaker, we extend our condolences to the family of the deceased, he being a patriot, he being the gentleman who was responsible for our National Anthem. He is one who worked as a public relations officer in London, at the High Commissioner's office and so on. Mr. Pat Castagne has definitely left his footprints on the sands of time and he was really, although born of Trinidadian parents in Guyana, a true-blooded Trinidadian in our sense of it. He composed songs like "Kiss Me For Christmas" which we hear so often sung by Kelvin Hutchinson, even the calypso—[*Interruption*]

No, he has a way, through you, Mr. Speaker, that he just likes to disturb people. Apparently the Member was too busy over the weekend drinking and feting, meeting national teams and so forth, to not say one word about the gentleman. He did not have time.

Mr. Speaker. No. Member for Tunapuna, we do give some latitude in discussing a Bill, but that must not be abused. I ask you, come back to the provisions of the Bill, please. We do give latitude, but—

Mr. E. Hart: Okay, Mr. Speaker, I will be guided by you.

Mr. Speaker, they spoke about tours and I understand this band made about three tours. We said that we are not going into any competition but if we want our national orchestra to perform alongside the great orchestras of the world, we found that a reasonable number would have been about 50 or 60 people to get the full sound to attempt to play all these classical tunes. They started off with about 30, I believe it is, yet when they have to go on overseas tours to Jamaica apparently—you know this word is a popular word now—they hijacked the tour from Panazz and they went to Jamaica with about 12 members, because they did not have uniforms for all 30. Just like they played at the Miss Universe show here, about 10 members were huddled in a corner in tuxedos because the others had no suits. This is what is going on.

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So they went to Jamaica; obviously they created no impact. Then the next tour was to Caracas and, Mr. Speaker, this is a serious thing which they have tried to keep quiet but you know I am very close to these youngsters. One of the pannists fell off a truck while performing because of the fact they left here without a drum set. When we were in government we had funding for that. We gave drum sets to many, many unsponsored bands. The drum set is the heartbeat of the band yet the Government sent our National Steel Orchestra to Caracas without a drum set. Probably they rented an old drum set and had to use some bricks to make height for the drummer so he fell off. It is a serious thing, but they have kept it quiet and he is now trying to get some form of compensation. So, imagine our national steelband without a drum set, Mr. Speaker.

Then the third tour was at the 36th International Feast of San Sebastian, that is in Singapore, Japan and they went there. [*Interruption*] Yes, real artiste abuse, Mr. Speaker. These guys had 30 engagements scheduled, five engagements per day, and they were underfunded. This is what is happening with our national steelband. Mr. Speaker, when we spoke here, sadly enough, about the deceased Superintendent Prospect, I heard when the Member for St. Joseph alluded to it. I was there that night at the Jean Pierre Complex when Casablanca, under the baton of Superintendent Prospect, put in that scintillating performance, Pyotr Tchaikovsky's 1812 Overture, and there are other memorable performances. Trinidad All Stars, Morning Noon and Night by Franz von Supeé. Up to now—this band is here two years and you are not hearing about one worthwhile performance. [*Desk thumping*]

On Palm Sunday we were in the Jean Pierre Complex where there were six top steel orchestras along with these lovely choirs like the Marionettes and so forth, and we heard some real beautiful renditions. Where was the National Steel Orchestra? What is the purpose of the National Steel Orchestra? I want to reiterate, I am not against the pannists, I am for them. I am glad for them but they are our young people. What are we doing for them? Where is the home for them? Mr. Speaker they are talking about getting some home for them in Nelson Street.

I went to school on Nelson Street. They used to call it Market School, Eastern Boys' Government, of which I am proud. I am very familiar with the Nelson Street area. That building in which they are planning to put the National Steel Orchestra was rejected because it had been suggested for the carnival institute. Furthermore, that building was built for an ice cream factory, no acoustics, nothing, no yard. Where are these fellows going to practise? It is a disgrace. There are vagrants and crime is very, very high in that area. At night time people are

afraid to come out and you want to put these youngsters there and call it a home for the steelbandmen? It is a disgrace. *[Interruption]* In the first place, you started without a home. They were by Exodus, then you had them in the paddock. The paddock is for racehorses. Now you want to carry them down to Nelson Street to put them in an old, condemned ice-cream factory. It is a disgrace! Then you want to talk about love for pan and “We care about the steelbandmen” and so forth.

Mr. Speaker, what about the contracts for the players? Are these contracts renewable? How long are these contracts for? What about dismissal of players? If a fellow is not performing or not coming out—I understand they were down at Fort San Andres during the week with nothing to do, there was no curriculum or anybody to tell them what to do. We say these young people should be taught other things than the pan. Help them academically if you really want to develop these young people. So we are concerned about what sort of contract they have signed up there.

While we were in government, we embarked on a panyard project. There were plans drawn up for the Desperadoes Steel Orchestra, which means so much to Laventille. As much as football means to Brazil, Desperadoes means a lot to Laventille; *[Desk thumping]* ten-time winners of the Panorama competition and three-time winners of the steelband music festival. The plans were out of this world where we even had room for the vendors to do their vending downstairs. This Government saw it fit to take out that.

Mr. Speaker, if you journey up to the hill now, after \$7 million or \$8 million has already been spent, the place is closed up, being vandalized. The place is like a white elephant after all this time and we are speaking about the panmen, saying we care about the panmen. There is no water and there are no lights. It is just locked up and nobody could tell us anything, but they are serious about the pan. They are going ahead fast with the Piarco Airport project—they know why they are doing that—killing the residents with dust up there. Nobody cares, Mr. Speaker, but they are talking about pan. They are talking about their love for the steelband.

It is not good at all and we want the Government to do something about it. I am making a plea on behalf of the representative for Laventille to get going, get cracking on the Desperados Pan Theatre and open it. *[Desk thumping]*

3.05 p.m.

Mr. Speaker, we were going to fix the road. The National Insurance Property Development Company (NIPDEC) had decided to get a car park to shuttle people

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up there. The Government is talking about attracting tourist. If tourists come here right now—the couple of boats that are coming in—there are steelbandmen still standing up on the wharf and playing between forklifts and so forth for the people. There is nowhere to carry them to hear the national instrument and that is what we are suggesting to do. *[Desk thumping]* Go to Mexico; go to Wales or anywhere in the world and you could hear their national instrument at any time of the day or night.

Mr. Speaker, so this matter about this is just a simple Bill and the Government wants to come here and pass it and so on. We are saying that—calypsonian Merchant sang it years ago—*Pan is in Danger*. It is definitely in danger. I got the distinct impression that probably the Minister is trying, but the Minister's voice is not being heard in the Cabinet at all. That is the impression I get. The Minister cannot get things done, as she would like. This Government is taking pan downhill. The steelband movement is going down, down, and down through this wicked and vindictive Government which I said, from inception, does not care anything about the pan, only lip-service. The Prime Minister and Member for Couva North went up to my friend's constituency visiting mas bands for carnival and there was a man talking about opening a library for Jit Samaroo. What utter rubbish and deceit! Very hypocritical!

Mr. Speaker, I am saying, that the measure that is being taken here, we are all very concerned. We are not happy because Pan Trinbago and the Ministry of Culture and Gender Affairs should be working hand in hand and they are always fighting. For years now there is a war about mismanagement of funds and the books not being audited, giving the impression and perception out there that these panmen cannot run their affairs and they are being very dishonest and it is not so!

I keep saying it over and over there are some young bright artistes in the steelband fraternity who want to see the steelband move on, but apparently this Government does not want to see the steelband move on because it would have purchased the plant I was talking about to chrome the pan and we would have been sure that there is a place that we could have the instruments tuned properly. *[Desk thumping]*

Mr. Speaker, the Government wants to make a big song and dance about a world festival. The Government wants to bring a world festival here and we do not have any instruments to play? It comes like if you are doing a 10 days; if you do not have a fork how are you going to dig the dirt? If you go in an office to work and you do not have a pen, with what are you going to write? Do you understand!

This is a serious state of affairs. So, I thought, I had to make a brief intervention. This is a vexing situation that this Government, once again, is showing the world that it does not care about the steelband movement.

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

The Minister of Culture and Gender Affairs (Sen. Dr. The Hon. Daphne Phillips): Mr. Speaker, thank you and I wish to thank also the Member of Parliament for Tunapuna for his contribution. There were no direct comments on the actual Bill itself so I take it that there is agreement that those changes are in order. I would like to address some of the issues raised. When we debated the original Act here in this House and in the other House, the point raised by the Opposition in both Houses was that we were creating this steel orchestra to take away some of the opportunities of the ordinary steelband orchestras in the country. There was fear that this is what the Government was going to do. The Government tried to make it very clear what is the role of the National Steel Orchestra. It must represent the country at international and state functions and local meaning only those in which the Government is to be represented.

I heard the Member for Tunapuna say that at some function—wherever it was—on Palm Sunday that the National Steel Orchestra was not there. There is contradiction in what is being said because the National Steel Orchestra is not to take the place; not to compete with; and not to deny opportunities from local steelbands at local functions. We are very clear that the National Steel Orchestra—[*Interruption*] Let me make the point—must represent state functions, like the opening of Parliament *et cetera* We are not going to see them playing around the corner and so on and they are to represent the country internationally. They are not to compete—[*interruption*] Just let me finish the point. So we are seeing a contradiction in what the Opposition is saying.

The National Steel Orchestra has a curriculum. The other matter related to this is the statement made with respect to travel. I think it is a misrepresentation of what we are doing to say that the National Steel Orchestra hijacked Panazz to go to Jamaica. Let me put the matter clearly. The Food and Agricultural Organization which was organizing the function, approached the ministry and asked for representation in Jamaica. We thought that given the parameters of what the National Steel Orchestra should do, this was one of the occasions on which they should represent the country. We were asked for them.

The organizers in Jamaica contacted Panazz. We had nothing to do with that. The Government was sending the National Steel Orchestra and it was not paying

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for Panazz either. The Government was sending the National Steel Orchestra based on a request from the Food and Agricultural Organization which was organizing the arrangements from here and was paying for them. So we had nothing to do with Panazz. Panazz could have still played. In fact, we did not have anything to do with asking them or denying them and I said that already in explanation. So to come here and bring back this point, I think it is just a lash under the belt. Is that what you call it? It is not correct to say.

The Government is very clear that the National Steel Orchestra will not be in competition; will not take away opportunities from local bands that are asked to perform at functions abroad; and we are not putting the National Steel Orchestra in the place of them. The National Steel Orchestra is representing the country at international and state events. Do you want to speak?

Mr. Hart: Madam Minister, what I was saying is at that said concert there was an aggregation from the Queen's Royal College Youth Band talking about a brass band and the thousands of people there—

Sen. Dr. The Hon. D. Phillips: Was that on Palm Sunday?

Mr. Hart. Yes. The Queen's Royal College Youth Orchestra was there and people were extremely happy for them and that is why we advocated in the initial stages that we have a youth orchestra, instead of rushing through to get the National Steel Orchestra, so that there would not be this sort of conflict. Sometimes the Government does not know what is happening. There were real problems in Panorama where one of the national players from the National Steel Orchestra was playing with three bands and all this sort of thing. We had to monitor what they were doing and who they were playing with?

All that I am saying is that was a nice occasion for them to get exposure. That is no conflict. They are not conflicting with anybody. Do you understand? Whenever the National Steel Orchestra goes abroad and plays in the events that you are talking about, they are not making an impact locally. I made that point already. They are not ready!

Mr. G. Singh: Do you want them to grow overnight?

Sen. Dr. The Hon. D. Phillip: Mr. Speaker, with all due respect, I do not think the Member addressed the issue that I am raising. The National Steel Orchestra is not to compete. We enjoy the other bands, yes, and they are not to take the place or compete with the local bands.

3.15 p.m.

On the question of pan being in danger, Mr. Speaker, since we have been in Government, many initiatives have been taken for the development of pan. For example, every year from 1997, full academic scholarships are given to people who have university matriculation to study music with pan as the instrument at the University of the West Indies. We started that in 1997 and continue it every year. We have emphasized that aspect of the development of pan through academic development.

As well, we have opened the Carnival Institute, and one of the aspects of that institute is training as well as preservation of our pan, carnival and other aspects of carnival. Training is taken care of at the university level as well as the Carnival Institute level where people who do not have university requirements can be trained. Of course, we have continued the certificate programme at the Creative Arts Centre.

We also created a National Steel Orchestra. This is an achievement because although there have been attempts at a national steel orchestra, this time we have brought legislation, this time we have made them salaried employees of the state, this time we have a training programme and we are insisting on literacy. They are all literate in music. They have all done the Royal School of Music examination at various levels and we are developing pan so that we will not be inferior to the rest of the world where pan is concerned.

Also, in terms of carnival, we have decentralized the control of the pan aspect of carnival to Pan Trinbago and we have been giving them grants to do that, to administer it and assist in their development to be able to handle the commercial and other aspects of carnival. In addition to this, we are also working with Pan Trinbago on the development of their company. We are doing so much for pan that has not been attempted before. I suspect, Mr. Speaker, that there is some concern that we are doing too much.

Mr. Speaker, on the matter of the pan theatre in Laventille, the representative and I visited that centre some time ago. We at the Ministry of Community Development—when it was Community Development—Culture and Women's Affairs, had pumped so much money into that project. The project now costs approximately \$10 million, when the initial plans for that project were in the vicinity of \$2 million.

Dr. Rowley: What! So what happened?

Sen. Dr. The Hon. D. Phillips: That happened under the past management of that facility. The representative visited with me. We saw the facility. Most of the

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pan theatre is completed; the seating and so forth. What is being done now, and we had to access additional funds, is the covering of the area for the players to be able to practise in that vicinity.

Mr. Manning: It is five years.

Sen. Dr. The Hon. D. Phillips: Yes. The cost went up, because whoever was organizing the project under Nipdec, I think it was, kept increasing the cost. That money has been paid. It has gone into that project and it is because the management of that project, which was put in place before we came into office, was allowed to do whatever. So, Mr. Speaker, with respect to the issues related to pan, in my view and in the view of our Government, we have put very much effort into developing pan in a meaningful way, and this legislation we have here now is part of our efforts to bring this body into place.

Mr. Speaker, the issue about contracts and who is the musical director—all of these are the responsibilities of the board. At present, there is an interim arrangement. The orchestra will not function to its full capacity and address the issues it has to address without a board. To put the board in place, we had to bring the legislation, now we have to bring amendments and this is keeping it back. So, we need the board to determine the contracts, to determine the employment of other members that are required to have the orchestra fully functional.

What is the status of the instruments, Mr. Speaker? They have a whole complement of instruments and we have, as well, the accessories for the band. The matter of the chroming plant came to Cabinet, and the proposal from Pan Trinbago was that they would move the plant from where it is into their quarters and operate it from there. First to begin, Pan Trinbago had to decide where it was going to be because it has offices in certain places; it certainly cannot be there. We had to look at the feasibility of moving it to where it was going to be moved and how it would operate.

Mr. Hart: You did not purchase it!

Sen. Dr. The Hon. D. Phillips: We cannot purchase it. First, we have to do a feasibility study which is currently taking place. It is seven months since there was discussion about it. The note was brought to Cabinet maybe a month or two ago and we are doing the study. We have to do the study to see what is happening.

Mr. Manning: Just a question, hon. Minister. I wonder if, with respect to the feasibility study of which you speak, consideration has been given to a completely new facility?

Sen. Dr. The Hon. D. Phillips: Mr. Speaker, of course, this is the reason for doing the feasibility study, to see whether it is economically viable to move it or to do something new. I guess the result will tell us about the recommendations. Of course the study is being done by those who are expert in this area and, therefore, one will wait for the results to see what is taking place.

Mr. Hart: Just for my edification, Madam Minister, I understand that you have what you term the “ordinary members” getting \$2,500 per month, but you have four members getting \$4,000. I do not know how you arrive at that. Every month these youngsters sign for the salary, they sign a form which is headed “Offer of Service”. I do not know if you could clear up what this is about.

Sen. Dr. The Hon. D. Phillips: Mr. Speaker, it is strange that the Member asked about this matter of “offer of service”. This is something that I found was introduced by the previous Minister of Culture in the Ministry.

Mr. Hart: I want to know what it means.

Sen. Dr. The Hon. D. Phillips: The arrangement is, let me explain: Because the board is the legal authority to employ the staff and decide who are the members, what kind of staffing it needs and what is the membership of the National Steel Orchestra, because of this interim arrangement, we use this facility which we met there called “offer of service”. It means that the person who is giving a service offers service. Again, this is not a creation of ours. We met it there and, again, it has been used.

Dr. Rowley: You met integrity in public life. Did you use it?

Sen. Dr. The Hon. D. Phillips: As soon as the board comes into place, Mr. Speaker, regularization of their situation through the issuing of contracts and determination of salaries will be done.

Mr. Speaker, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Question committed to a committee of the whole House.

House in committee.

Clauses 1 to 10 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.

HOMES FOR OLDER PERSONS BILL

Order for second reading read.

The Minister of Social and Community Development and Minister of Sport and Youth Affairs (Hon. Manohar Ramsaran): Mr. Speaker, I beg to move,

That a Bill to provide for the licensing, regulation and control of homes for older persons, be now read a second time.

3.30 p.m

Mr. Valley: Mr. Speaker, there is a problem. According to the Order Paper, the next Bill is supposed to be the Regional Health Authority Bill and we have been preparing for that.

Mr. Speaker: Yes, but you know—

Mr. Valley: Mr. Speaker, it is just that in rearranging the thing, the Member who is to speak on the Bill is supposed to be leaving and I thought—

Mr. Speaker: Yes, but I specifically recall that the Attorney General had said on the last occasion that these were the Bills that would be done, but there was no guarantee they would be done in this order. He indicated this. You were not here, but I specifically remember that being said, but talk to the Leader of the House if you have a problem.

Mr. Valley: Thank you, Mr. Speaker.

[The Leader of the House and The Opposition Chief Whip consult]

Hon. M. Ramsaran: Mr. Speaker, when consideration is given to available data as they relate to older persons in Trinidad and Tobago and the proliferation of care facilities throughout the country, it would not be difficult to appreciate the need for this piece of legislation. This Bill is long overdue.

In terms of share quantum, the elderly population of Trinidad and Tobago comprises of a very significant group. According to data from the Population Council of Trinidad and Tobago, in 1990 there were 96,898 persons 60 years of age and over; by 1996, this segment of the population increased to 112,186 persons. Currently there are approximately 120,434 persons in this age group. The trend indicates that we would continue, at least over the next 10 years, to experience considerable increases in this segment of the population. It is projected by the year 2010, that the elderly population would have risen to 161,076 persons; an increase of 33.7 per cent over the 2000 level.

Mr. Speaker, it is not unreasonable to assume that as the population ages, there would invariably be a greater number of persons needing the care services provided by homes for older persons. It is important to note also that as the elderly population increases, so too would the incidence of older persons being left on their own. The phenomenon of the elderly person being left alone would be aggravated especially in rural areas as more and more younger persons of working age emigrate in search of employment abroad, and as a result of internal migration of nuclear families to urban centres, often leaving elderly persons alone in rural areas with limited social support.

Our short-term response, Mr. Speaker, to this phenomenon in the Ministry of Social and Community Development, is the implementation of the Neighbourhood Community Care for the elderly. Under Neighbourhood Community Care, elderly persons who are living on their own are provided with care services on a daily basis from Monday to Friday. The project is currently being implemented in the following areas: Barataria and its environs, Princes Town, Claxton Bay, St. Margarets, Sangre Grande.

The intention is to expand the project to other areas in Trinidad and Tobago, however, given that this service is available to those elderly persons who, because of their economic circumstances are unable to hire a care giver, there still remains an enormous number of elderly persons who are in need of, and unable to pay for institutional care.

Mr. Speaker, the proliferation of senior citizens care facilities throughout the country is a response to the increasing numbers of the elderly in the society, especially those who live on their own. There are approximately 54 institutions offering care to elderly persons, 9 of which receive annual subventions from the state. Most of the homes are private institutions of varying sizes: 3 catering for 30 or more persons; 15 catering for 20 to 29 persons; 20 catering for between 10 to 19 persons; and 16 for less than 10 persons. These homes charge monthly fees to their clients ranging from \$250.00 to \$5,000 per month. While the importance of these facilities cannot be discounted, it is necessary to put in place control and monitoring mechanisms to ensure that the highest standard of care is delivered to senior citizens resident at these institutions.

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. Deputy Speaker, it is not unreasonable to conclude that the provision of institutional care to the elderly is, in fact, an industry which has to be regulated if we are to ensure that the homes maintain a safe and secure environment and that the highest quality of care is provided.

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In this regard, the Homes for Older Persons Bill, 1999 is intended to provide mechanisms for dealing with licensing, control and regulation of homes for older persons and for the establishment of standards of care of residents of these homes.

I will now look at some of the specific provisions of this Bill.

Clause 4 establishes the older persons care board, the primary responsibility for the board is to act as an advisory body to the ministry on matters relating to the administration of the Act.

Clause 5 requires that the licence for homes for older persons shall specify the number of clients to be served and the level of care to be provided.

Clause 9 outlines the conditions for a grant of a licence to operate a home and make specific reference to the location of the home, the equipment to be used, and the character and fitness of the applicant.

Mr. Deputy Speaker, clause 18 provides for the classification and the standard of care into three distinct categories of homes in relation to the degree of danger which is posed to the residents of homes for older persons.

Clause 19 provides that a home for older persons should not be operated except in accordance with the terms of the licence issued in respect to it.

Clause 20 gives the responsibility to the Division of Aging to establish for homes, standards of care relating to equipment, services and the health and welfare of the residents.

Clause 21 gives the Minister the responsibility to establish policies and procedures governing the operation of homes including the use of chemicals and physical restraints and the submission of complaints and recommendations by residents. This clause seeks to ensure that full recognition is given to the rights of the residents and their dignity, individuality and privacy are respected.

Clause 24 provides for the manager to submit to the Division of Aging, a monthly report on the status of each resident of the home.

Clause 31 makes it an offence for any person to obstruct, or prevent the inspection of a home.

Mr. Deputy Speaker, when we look at the provisions of this Bill, they are ensuring that the people who run these homes or accommodate older persons for a fee or operation on behalf of Government operate within certain principles. I am sure recently, you would have seen where these homes were under attack and

complaints came from the residents, and the public at large so we are indeed looking to tighten up the operations of these homes.

I am really proud to be able to present this particular piece of legislation to this House at this time.

Mr. Deputy Speaker, I beg to move.

Question proposed.

Mr. Martin Joseph (*St. Ann's East*): Mr. Deputy Speaker, I am pleased to participate in this debate on the Homes for Older Persons Bill, 1999. I listened with interest to the hon. Member for Chaguanas in terms of the need to bring standards to bear on these homes.

Before I get into the specifics, I will like to find out the philosophy behind this particular piece of legislation. What informs it, where does it fit in, in terms of the Government's overall focus as it relates to this whole sector of the society? One can only come to the conclusion that there is this haste to pass legislation—we know we are in an election year—so they would be able to say we passed legislation with respect to homes for older persons, and we passed legislation with respect to dealing with the socially displaced persons, but not anchored in any philosophy. In the haste to bring the legislation, there are certain areas that seem to have been overlooked and I propose in my contribution to raise some of those areas.

Let me put on record that the intent is commendable and national standards are necessary as it relates to regulating some of these homes that are responsible for providing valuable care for our elderly citizens, especially those citizens who, for whatever reasons, are unable to obtain that care from their natural homes and as a result, it is necessary to find appropriate accommodation for taking care of them in the twilight of their years, especially when they have made invaluable contributions to the society and its development.

As my colleague, the Member for Diego Martin Central, is reminding me what is the need for Government's involvement? This should be in the hands of the private sector and there really should only be the establishment of the appropriate standards to make sure that the providers of this health care for the elderly stay within the stipulated standards.

I think we need to put this on the record to underscore the haste with which this Government has brought this piece of legislation. The Association of Social Workers and other professionals in the field of social work were completely

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ignored as it relates to this piece of legislation. Not only that, they claim in the past that pieces of legislation of this nature would have been brought to their attention and they would have had some input in it.

One association, and I promised them that I would not call their name in Parliament. Mr. Deputy Speaker, this also needs to be put on record because we have a situation which has developed in this country where reputable organizations, whether they be non-governmental organizations (NGOs) or others, are afraid for you to mention their names because they are afraid of the repercussions. *[Desk thumping]*

If things continue like this in this society, we would be in trouble. I told them I am debating this in Parliament, and in order for me to be credible, I need to be able to say that this social association was not consulted, this NGO was not consulted, and they were scared. They were literally scared, and I had to promise that their names would not be mentioned.

The Minister, in responding, can determine the extent of the associations he would have consulted and that they would have had some input in this legislation. I think we need to put that on the record. That the professionals in the field of social work, and some of the associations of social workers have indicated that they would have liked to comment on this Bill and as a result, have asked if it is possible for us to suggest that this piece of legislation be sent to a committee or a joint select committee so that their views can be heard. I am placing that on the record because, after all, they are the people who are actually in the industry and the ones who one would have expected to be consulted in the drafting of this legislation. Who are better than these persons to have some input in terms of what are some of the issues and concerns that need to be addressed, which this Bill is attempting to address.

3.45 p.m.

Let me turn to Part II, the composition of the board. If you look at the composition of the board, it says here:

“The Board shall consist of a Chairman and ten Members appointed by the Minister as follows:

- (a) Quality Control Officer;
- (b) two officers attached to the Ministry of Health, one of whom shall be the Manager of Nursing Services and the other, a person skilled in hospital administration;

- (c) a medical practitioner who specializes in geriatric care;
- (d) a Principal Medical Officer of Community Services;
- (e) a person who is not in the public service or actively engaged in the management of a private hospital or Home for Older Persons;
- (f) a social worker with experience with geriatric care;
- (g) a social psychologist;
- (h) an occupational therapist; and
- (i) a senior officer of the Division of Aging.

There are lots of concerns about nutrition for people of that age, and one would have expected that someone qualified, competent in the nutritional aspect in the care of the age is very important. Therefore, a nutritionist should be a member of the board—or should replace, if the board is going to be too large. If you include a nutritionist then perhaps you may substitute a nutritionist for somebody else.

Nothing was said about the number of clients that a home should be able to accommodate. Should there be a limit in terms of the ability to provide appropriate and adequate care for the aged, and should there be something to deal with the whole question about limiting the number of clients?

In Part III, clause 6(1) states—and I read again under “Licensing of Homes”:

“The Minister may, subject to this Act, grant a licence for the use of any premises as a Home for Older Persons.”

But if we move to the same Part III, clause 9(1), it seems as if this is a contradiction because it says, and I quote:

9. (1). A licence shall not be granted unless—

- (a) the Home, its location with regard to neighbouring premises and its proposed facilities and equipment are assessed by a Facility Review Team and found suitable for the purpose indicated in the application; and”

Yet, as I said, clause 6(1) says:

“The Minister may, subject to this Act, grant a licence for the use of any premises as a Home for Older Persons.”

So that we need to get that cleared up. And we are also concerned—

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Mr. Deputy Speaker, with a different Government one would not have been so concerned about this ability given to “the Minister, may, subject to this Act, grant a licence for the use of any premises as a “Home for Older Persons.” We are concerned with the extent to which the Minister is going to exercise this power. *[Interruption]* Yes, because we have seen how they have exercised this in the past: the partisan nature—all the other kinds of variables that normally enter into the picture, in terms of the exercise of power.

There is also a concern here with respect to the same facility review team. Who is going to make up this facility review team? How would the facility review team go ahead and exercise its responsibility under this particular Bill?

What about the position of existing homes re: the granting of a licence? Mr. Deputy Speaker, there is also concern as it relates to existing homes. Clause 21(1) says:

“The Minister shall be responsible for establishing the policies and procedures governing all areas of service in all Homes for Older persons.

(2) The licensee of each type of facility shall ensure”—

and we have outlined what are the various requirements in terms of that.

Nothing is said about the period of time to apply for a licence. Clearly, that also needs to be addressed in terms of this piece of legislation.

Mr. Deputy Speaker, would there be any Government subvention as it relates to the financing of these homes? What about issues relating to the whole question of standardization? The question about policy? What about the involvement of relatives? There is a provision for a periodic review of the performance of the home, but yet at the same time, nothing is stated here in terms of the monitoring of the performance of the home in terms of relative of clients having any say on whether or not they are satisfied with the extent to which the home is providing their adequate care. I think that needs to be taken into consideration, and not just administrators, but I believe that the relatives of the residents of these homes ought to have some input in terms of the manner in which we are judging the performance of the homes.

Mr. Deputy Speaker, there are other issues—remember at the end of the day these homes are really taking care of persons, as I said earlier on, in the twilight of their years. Chances are the only way they will leave those homes, unfortunately, is when it is time for them to meet their maker. I do not know if I can put it milder than that. There are all kinds of issues relating to things like property, wills,

money, burial, where are those issues taken care of and addressed—especially if, for whatever reasons, the persons may be on their own, they have no relatives living in Trinidad and Tobago? Some of those issues are what we need to take into consideration—property, wills, money, burial and so on.

So that with these few remarks—as I said, I started off by asking again, where is this anchored; what is the overall philosophy? The question about the providers themselves; the social workers; professionals in this particular area not being consulted; not being given an opportunity to have some input in this piece of legislation. As a result, the suggestion that this Bill plus the Socially Displaced Persons Bill—we will talk about that later on—be sent to a committee or a joint select committee.

I thank you, Mr. Deputy Speaker.

Mr. Colm Imbert (*Diego Martin East*): Thank you, Mr. Deputy Speaker. Like most legislation emanating from this administration, particularly in this final year, this Bill is replete with missing links, loopholes, poorly-thought-out clauses and so on.

Many of the issues have been raised by my colleague, the Member for St. Ann's East. I would like to address some issues and maybe reinforce the point that this Bill needs further study because when one looks at the administration section, clause 20(3) says:

“The Directorate shall establish standards in relation to—

- (a) the equipment...
- (b) safety..
- (c) dietary supplies...”

And then it talks about the structural integrity of the “building housing the Home.” But in your facility review team who is to review a proposed facility or an existing one, establish whether it meets the standards? There is no one on that team who has any capability whatsoever in establishing the structural integrity of the facility.

If you go to clause 28:

“...the Facility Review Team’...

- (a) a Medical Practitioner...
- (b) a Medical Social Worker;

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- (c) a Fire Officer;'
- (d) a Public Health Inspector;
- (e) an Auditor;
- (f) a Health Quality Control Officer;
- (g) a Senior Nursing Manager; and
- (h) a Social Psychologist.

3.55 p.m.

So perhaps one of the more important aspects of a facility, such as its general physical condition, its layout, the use of space, the widths of corridors, the staircases or whether there should be elevators, are addressed in the clauses in the Bill. I dare say a medical practitioner would be hard-pressed to establish the structural integrity of a building.

The other aspect is that standards are being established relating to structural integrity, but I have to come back to the point I was making. Structural integrity is one thing but layout is another. These are old people we are talking about, people who have difficulty with mobility. They walk with the use of aids, they use walkers, canes and wheelchairs and other kinds of things. What are we doing about ramps and other facilities for the physically challenged? None of these things are taken into account in this legislation. I hope that we do not have another arrogant display from this administration. I am merely expanding on the point made by the Member for St. Ann's East that this thing needs a little more thought.

Another aspect that struck me, why are we doing all of this? Surely it is to create an environment where, if there is a problem, something can be done about it, and I see no mechanism in the Bill for dealing with, how does a problem originate? Does an old person make a complaint? Who do they complain to? How do they make such a complaint? Does a relative make a complaint that they visit a home and see their elderly father being mistreated? Where is the mechanism? Where is the procedure? There is nothing inside there. All it talks about is the Minister revoking a licence if he is satisfied that the person is in violation. But how does the Minister get to that point? How does he become satisfied that there is a problem, or how does he even become aware that there is a problem? So that he really needs to go back and look at these points.

The question of nutrition is also a very, very important point that was raised by the Member for St. Ann's East. For these people who are in the twilight of

their years, I would think that diet and nutrition are some of the more important areas of their lives because, as I said, they have a mobility problem so breakfast, lunch and dinner are all parts of their daily routine. Clearly, the board needs to consist of people who are qualified in diet and nutrition.

With these few points I would ask that this be taken to a select committee or a joint select, or whatever, and that you consult, interview and ask the various associations, organizations and NGOs that are involved in this area to give their input, make a contribution. Certainly you need to look in much more detail at the physical aspect of a home in terms of layout and so on. I thank you, Mr. Deputy Speaker. [*Desk thumping*]

Mr. Kenneth Valley (*Diego Martin Central*): Mr. Deputy Speaker, the legislation before the House at present seems to have just dropped from the sky. When I saw it on the Order Paper, I had to assume that the Minister would come here this afternoon and give us some type of perspective, or would have spoken about the policy that informed this legislation, but he has not. I must confess that since my return to Trinidad in 1978 I have not heard anyone complaining about the old peoples' homes. I do not know. [*Interruption*] It might very well be. I have heard none. I do not know. If you have any information, well then, share it with us. [*Interruption*] So I really do not know what informs this legislation.

As far as I do know, Mr. Deputy Speaker, the Government has one such facility in St. James, the "Poor House" as it is called, catering for persons whose family cannot, for whatever reason, take care of their elderly at home, nor can they meet the cost of an old persons' home. Other than that, the Government does not have facilities to take care of the old and, therefore, there was private sector development with these old persons' homes. Now, we must bear in mind that the inhabitants, as it were, of these old persons' homes are there and have to pay some monthly cost. Somebody has to pay for them and since there are, I think the Minister said, some nine of them, there is first of all, the competitive environment that would, of course, assist in setting some minimum standards. If, for example, one has one's relative at a home and the standard of care is not up to mark, obviously one is going to move that relative.

I make the point because, while I think we would all agree there ought to be standards, standards can be established by different methods. I think a government ought to come in only when the government needs to because, whenever a government comes in, government must, of course, come in as the least common denominator, and whenever the government acts it is going to have

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effect on some. This legislation obviously would increase the cost of having one's relative at one of these homes. It may also improve the care.

Now, one has to make a determination that, on balance, even though the Government is not itself providing facilities for this, one has to ask the question, are we really acting in the public interest? I do not know. Should we leave the competitive environment to set the standard, assuming, as I have said, that there is no known problem? I think there would always be problems but I am talking about magnitude here. Or, should the Government come in and set standards, thereby increasing the cost structure of these organizations, which may then result in their having to close, reducing the number of such facilities and then, perhaps, creating a further problem for the Government? We have to find places for our senior citizens.

I think a real test would be to apply this legislation to some of the Government's institutions, such as the Port of Spain or the San Fernando hospital, or even the St. James Infirmary, and see whether those institutions meet the standards outlined here. Because we cannot say, "Do as I say and not as I do". That cannot be the Government's approach. So in that regard, I want to agree with my colleagues. I have looked at the *Medium-Term Policy Framework 2000/2002* and, I know it was a cursory look but, I have seen nothing to indicate that this was on the Government's agenda, that this was something the Government considers to be priority for Trinidad and Tobago at this time. I really do not know. I hope that the Minister, given that he failed to do it in the opening, would at least share with the House the thinking that informed this legislation. What really are we trying to do?

When I look at the Explanatory Note it says:

"In Trinidad and Tobago the provision of accommodation and quality care for senior citizens or older persons has long been neglected."

Now, if the provision of accommodation has been neglected, will this legislation increase the quantity of accommodation available to our senior citizens? I do not know. Or, is it simply a question of "big brother is watching"? I do not know and the Minister has not shared with us.

"Older persons have for a long time been receiving insufficient attention resulting to a large extent in the provision of substandard care facilities."

Perhaps that is a fact but I do not know; I would tell you, I have not heard of substandard care facilities. I do not know, but then, I am not in that field ordinarily, so perhaps there is a problem. All I say is, if there is a problem, Mr.

Minister, I would have preferred that you share it with us. Tell us exactly what we are trying to do and consider whether with the passage of legislation we are really acting in the national interest.

When you talk about licensing these places and so forth, we have to understand Trinidad and Tobago. I think we need to try to keep the bureaucracy out of people's lives as much as possible. *[Interruption]* Well, you know, some of us believe in the competitive environment and I think that Government really ought to come in only when it is necessary. *[Interruption]* No, no, no, but standards can be set in a number of different ways. I agree with standards but you cannot tell me that the only way to set standards is by Government fiat. The competitive environments have standards and let us understand that. *[Interruption]*

Friend, as I am saying, in some cases you need a government to set standards, all right. In some cases you can leave it with the competitive environment. If you believe standards are necessary in this case, I say perhaps you are right. All I want to know is—oh God, give me some meat. Let me understand exactly what you are doing and why you are doing it. Because, when you start talking about licences and so on, even the bureaucracy—listen, it is going to take a year or two for one of these homes to get their licence, the pace at which—*[Interruption]* Last year I had a situation with someone who wanted to get a licence for one of these schools. My God, it took at least 10 months with this requirement and that requirement.

4.10 p.m.

The Government wants to tell these people that every month they have to send a report for officials who would take it and put it in a draw. All I am saying, if it is needed the Government is going to have our support. The Government should prove its case. Is it really necessary or is the Government merely putting additional burdens in terms of cost and administration and so on these homes? If there is a problem, let us know.

Mr. Deputy Speaker, I can tell you, I do not know that there is a problem, but then, my old lady is home with me, she is not in a home. All right? If the competitive environment cannot take care of it, fine, let us have Government fiat, but let us know what are the problems. What are the problems the Government has found? What are the problems the people have found there? Let us have some meat.

Mr. Deputy Speaker, I went for some help, as I said, in the *Medium Term Policy Framework*—I do not know perhaps it is here somewhere. I cannot find it. If it is here let the Government tell us what it is doing and the Government will have our support.

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

The Minister of Social and Community Development and Minister of Sport and Youth Affairs: (Hon. Manohar Ramsaran): Mr. Deputy Speaker, I was listening to the Member for Diego Martin Central asking those questions about if there are problems in homes. I do not know if the Member reads the section of the newspaper where people make their complaints. I am sorry I did not walk with some clippings. There are so many complaints about homes and I do not want to come here and call these names. What the Government has done is, when it is dealing with these homes and social programmes, it does not like to come and publicize them—and as the Member said—put contradictory pressures on these homes. The Government saw the problems and investigated them. The Government is looking to see how it could have these problems rectified without accusing anybody.

Mr. Deputy Speaker, in this country there are so many good social workers who might make mistakes from time to time, and rather than come in Parliament and chastise them, I think it is better that the Government put laws in place to regulate what is taking place. So, when the Government passes legislation it is to ensure that standards are set and kept. I visit these homes from time to time and the residents themselves talk to me but they cannot do better. They are in these homes because some of them have been neglected by their families whilst others have no families so that is why they are there in these homes. Some of them will say, “Oh God Minister! I did not get this and I did not get that.” The residents sometimes accused the managers of taking their old age pensions. The Government cannot go and do anything at this time because our hands are tied. The Government has nothing in place to deal with these problems. So, I would like to let the Member know that, yes, we have problems in these homes.

Mr. Valley: Mr. Minister, how long is the Minister aware of this problem? Why is it as though it just dropped from the air? How come this is not included in the Government’s *Medium Term Policy Framework*? How come the Minister came here today without giving us any background or policy document? We are really at a loss. We do not know what we are dealing with and that is the problem.

Hon. M. Ramsaran: Mr. Deputy Speaker, when I introduced the Bill this afternoon, I gave an account of how many old people there are in Trinidad and Tobago; how many homes there are; and what these homes are doing. We talked about the relationship between young people and senior citizens; we talk about the Government trying to set up different institutions to deal with our older people; the Geriatric and Nursing Partnership Programme; and we looked at the neighbourhood community care. The Government looked at different issues.

There are a total of 54 homes in this country, nine of which receive Government subventions. As I said before, I do not know if the Member paid attention when we were introducing the Bill, but there are different fees for these homes. For example, some homes charge \$250 and others charge up to \$5,000, it is how you could afford them.

Mr. Deputy Speaker, I told you that I have visited almost all the homes that are given Government subventions and interact with the residents, so to speak. My officers also visit these homes almost every month. When we go into those homes that are not given Government subventions, they would tell you that one has no right there, and these are the homes Government receive complaints about from time to time. As I said before, because of the nature of the matter, we cannot come in Parliament and lay blame on anyone. I am sure Members on both sides read reports of treatment in certain homes.

Mr. Deputy Speaker, there was a most recent case in Arima and the Member of Parliament will tell you that it was a sore problem with the owners of the home and the residents. People were put on the streets and the Government could not do anything. There was nothing in place to deal with these homes or even to go in and talk to anybody and the people know the law. They went in knowing that there were no laws governing these homes and they abused the residents.

I really want to thank the Member for asking these questions. Not everyone in this country would read different things that happen from time to time, only people with special interests would do that. I know because, as the Minister of Social and Community Development and Minister of Sport and Youth Affairs, I interact with different non-governmental organizations and agencies and they are calling for these types of homes. For the Member to come and say that this legislation has dropped from the sky, I feel, it is rather quite unfortunate. When one looks at the Explanatory Note it says what has happened and why we need this Bill. I would like the Member to know that the policy that drove this Bill is a policy of caring and setting up standards of care for our senior citizens.

Mr. Deputy Speaker, I move to the Member for Diego Martin East. I want to say that his comment was a very good one. When one looks at clause 28(1) where the committee is being set up, yes, indeed, we will consider having someone as a building inspector, at the committee stage, because these days walls are falling all around and the Government has to be very careful how these homes are built. So, indeed, the Government will accept that recommendation from the Member for Diego Martin East and I think it was made in a very good spirit. I really want to thank the Member for giving us his expertise and advice. So, indeed, at the

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committee stage, I am sure we would not mind adding somebody with that type of expertise. With respect to the Member's complaints about our officers and so on, the Government would ensure that these are put into regulations.

I want to thank the Member very much for his brief but good contribution this afternoon. It is something that would assist. The Member's two points are well taken.

Mr. Deputy Speaker, again, the Member for St. Ann's East spoke about the philosophy and where this Bill will fit in. Since this Government came into office one would agree with me that the Government has done so much for older persons and will continue to do so, and for the Member to come here and talk—I did not want to open up the debate so that the Member would say that the Government is politicking, and this is an election year and so on. The Government has started to deal with its senior citizens in a meaningful way. For example, the increase in old age pension over a period of time. The Government is talking about the Geriatric Adolescent Programme and different care that the Government will be giving to the communities. If the Members opposite want to find out they could come with me and I will tell them what we are doing with our older people. *[Interruption]*

[MR. SPEAKER *in the Chair*]

Mr. Speaker: Member for Arouca North, order please.

Hon. M. Ramsaran: Mr. Speaker, when you hear the voice opposite sometimes one has to wonder what is taking place in this society. Yesterday there was a football game where Trinidad and Tobago played and won a crucial game. The Member for Tunapuna was with me all the time. We invited him to the VIP lounge. We did not treat the Member as an Opposition Member, we treated him as a Member of Parliament of Trinidad and Tobago, and for the Member to come today and say what he said is quite unfortunate.

Hon. Member: They did not invite him.

Hon. M. Ramsaran: Mr. Speaker, back to this Bill.

Mr. D. Singh: They are too bad.

Hon. M. Ramsaran: I would like the Member to know that this was in the pipeline for quite a long time. Now back to the Member for Diego Martin Central who said that it just dropped in. I do not know if the Member meant that the Bill or the idea just dropped in. This Bill has been lying here for the last four or five weeks so I hope it is not that the Member was talking about. *[Interruption]*

Mr. Valley: This was here for months on the Order Paper.

Hon. M. Ramsaran: No, this was here more than four weeks now. The Member said that he supported the intent of the Bill and I want to thank him for that. At least, it shows that the Member is thinking more along the social development line. I want to welcome his input that he supports the intent of the Bill, although I did not get it quite clear whether the Member for Diego Martin Central supported the Bill, but then it is happening every day; when the Opposition speaks we see and hear contradictions.

4.20 p.m.

Mr. Speaker, with respect to consultation, the Member made mention of an NGO, and I will tell you that this is not true. This Minister has been on record for the last four and a half years talking about collaboration, working with people, and for the Member to come and say that this Minister would deal with people in such a manner is quite, to me, strange, because I do not deal with people like that. If he is alluding to a certain organization that only consists of public servants headed by somebody from my colleague's ministry, then we have a problem. These people definitely will be afraid for him to call their names, but we always consult with the NGOs and ensure that they are given a voice.

One will remember that when the Children's Bills were presented to this House, we agreed to go to a joint select committee, because the Government thought that we could consult with people to come up with a package of legislation to deal with the children of this country. As far as I am concerned, the Homes for Older Persons Bill, 1999 is to put an institution of care, and I do not think this should be delayed as long as those other Bills but, indeed, we should come forward and make this a law as quickly as possible, because I am sure one is aware of what is taking place in the country with the older people in our society.

Mr. Joseph: Mr. Speaker, the Minister indicated that he consults NGOs on aspects of legislation. I want him to tell this honourable House the specific NGOs and the social professionals he consulted with respect to this piece of legislation.

Hon. M. Ramsaran: Mr. Speaker, it is the duty of the other Ministry to deal with this legislation. I consulted on policy, I would talk to people and get their views. This is how the policy will determine the law.

Mr. Speaker, with respect to the composition of the board, I will accept good suggestions and, indeed, the Member mentioned a nutritionist on the board. I have no problem with that, because in the whole scenario of caregiving these days, a

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nutritionist is a very important person on any board. We will welcome that suggestion at the committee stage.

Mr. Speaker, he mentioned something about a facility review team and there was none. Then his colleague, the Member for Diego Martin East came up and contradicted him. At that stage I got a bit worried when the Member said there was no facility review team and he wanted to know the meaning of that team, but it is clear here at clause 28(1) and I really got worried that the person who was leading the debate did not read the Bill.

Clause 28(1) states:

“‘Facility Review Team’ means a team consisting of—

- (a) A Medical Practitioner specialized in Geriatric Care;
- (b) a Medical Social Worker;
- (c) a Fire Officer;
- (d) a Public Health Inspector;
- (e) an Auditor;
- (f) a Health Quality Control Officer;
- (g) a Senior Nursing Manager; and
- (h) a Social Psychologist.”

If the Member did not read, then I am sorry, but we have put it on record and it is there. The Member for Diego Martin East alluded to that.

The Member talked about the existing homes, how long they would have to apply, and so forth. Mr. Speaker, when laws come into effect and there was something existing before, regulation, I am sure, would ensure that these things are achieved. We are not creating these laws to destroy anybody or get anybody out of the system. Indeed, these laws are being made to have our homes kept in a particular way, and I am sure that the old people themselves, maybe not the owners—the Member for Diego Martin Central says his mother is living with him, maybe he has some friend or family who runs these homes—but the residents of these homes would welcome these standards of care, because this is what is needed in our country. I invite anybody to visit these homes and they will see for themselves. Talk to the residents and they will tell what is taking place.

Mr. Speaker, this Bill was never intended to get people to face the courts.

Mr. Imbert: I thank the Minister for giving way. Perhaps the Minister could look at the point my colleague was making about cost. The Government has given incentives to persons who establish hotels and tourism projects. Perhaps a way of keeping the cost down is to look at fiscal or monetary incentives to persons who maintain these homes in accordance with the regulations.

Hon. M. Ramsaran: Again, Mr. Speaker, we cannot make law for these, but of course, we will consider it. I want to tell you that we give subventions to some of these homes and we are reviewing applications at this time, of persons who applied and looking at how we could give them some subvention.

When we look at the whole question of homes for older persons, there is this question of what the Government would give them and, you know, Mr. Speaker, the pensions and other earnings by these people who are residents of these homes, are used by the owners or the operators of these homes. It is a question of where we draw the line; what do we do, because these people actually charge, and they will tell us that they do not charge. I am sure that one has experienced that the entire pensions are being cashed by the owners and operators of these homes.

Mr. Valley: I think the Member is touching on a very important point. If they are providing subvention to some NGOs already, perhaps that might be a better system to use to bring them under their control. In other words, that they set up, not by law, guidelines for the management of these homes and say to the extent—not by legislation—that they meet these guidelines, they qualify for assistance from the Government. Yes, I would agree that the NGOs are in a better position to provide the assistance required for the aged than the government. In other words, rather than the government building facilities they say “Fine, we will assist the NGOs that can do that”.

Hon. M. Ramsaran: I do not know from where the Member got this, but the Government is not going to build homes. These laws are to control the existing homes, and we will continue to work with the NGOs. This is not to abdicate the responsibility of the Government working with NGOs. Bringing these homes under review, bringing them into accordance with the law, is in no way meant to take over these homes! Not at all. They will be allowed to operate as NGOs and given their subvention, but they will have to have certain care and standards. I cannot see why the Member for Diego Martin Central is not understanding this.

Mr. Speaker, the Member for St. Ann's East talked about the annual review status of homes, and so forth. I am not saying that he did not read the Bill, but let us look at what is going to happen when we have the standards of care set up. The

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whole idea is to get people to understand that the older people are human beings too and they want to be treated as such. We are making these laws to ensure that the residents of these homes are given the care and attention that they deserve.

Then, the Member for St. Ann's East mentioned the concern about the time of death.

Mr. Speaker: I know that one may not care to listen, but it is becoming difficult for me to concentrate on what the Member is saying with six different sets of conversations going on among Members and not in soft tones. Please, could I ask you to cool it a bit?

Hon. M. Ramsaran: Thank you very much, Mr. Speaker. Just to make the last point, the Member was concerned about time of death and what happens to people's property. I assure the Member that we have other laws in the statute books of Trinidad and Tobago to deal with these things as they happen, and this Bill is just to deal with making the laws for standards of care for older citizens. So, Mr. Speaker, we take one or two points from the Members opposite and will discuss that at the committee stage.

I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

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

4.30 p.m.: *Sitting suspended.*

5.05 p.m.: *Sitting resumed.*

Bill committed to a committee of the whole House.

House in committee.

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

Clause 4.

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

Mr. Joseph: Mr. Chairman, I wanted to suggest either an addition or an amendment to the composition of the board in clause 4(2)(b); and I am suggesting that a nutritionist be included on that board.

Mr. G. Singh: Mr. Chairman, we are in agreement with that recommendation, it is just a matter of working out where we will put this person or displaced one as the case might be. I do not know if the hon. Member has a suggestion.

Mr. Ramsaran: Mr. Chairman, I beg to move that clause 4(2)(b) be amended as follows:

“(b) two officers attached to the Ministry of Health, one of whom shall be the Manager of Nursing Services and the other, a nutritionist/dietitian.”

Question put and agreed to.

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

Clauses 5 to 27 ordered to stand part of the Bill.

Clause 28.

Question proposed, That clause 28 stand part of the Bill.

Mr. Joseph: Mr. Chairman, we had indicated the need to include a building inspector or an engineer as part of the facility review team.

Mr. Ramsaran: We have made that reservation in clause 29(3).

Mr. Joseph: It was the Member for Diego Martin East who raised it and I think he was concerned with the person, because I am sure he read the legislation and would have seen clause 29(3), I think his concern was ensuring that the person be a member of the review team.

Mr. Imbert: What I had in mind was someone from the private sector because on this facility review team there are different professions represented. Someone with qualification in engineering, quantity surveying and experience in architecture, engineering or construction.

Mr. Ramsaran: A building inspector?

Mr. Imbert: No. That is the last person you want there.

Mr. G. Singh: Let us put a quantity surveyor.

Mr. Imbert: You want someone who can deal with layout. You do not want a quantity surveyor. It is either an engineer or architect or someone with some experience in design and construction of buildings. Either an engineer or architect.

Mr. G. Singh: A civil engineer or an architect.

Mr. Imbert: Yes.

Mr. Ramsaran: Mr. Chairman, I beg to move that clause 28 be amended by adding a subclause (i) to subclause (1) to read as follows:

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(i) “a civil engineer or architect.”

Question put and agreed to.

Clause 28, as amended, ordered to stand part of the Bill.

Clauses 29 to 33 ordered to stand part of the Bill.

Clause 34.

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

Mr. Imbert: Mr. Chairman, there is the question of how a complaint is made and the procedures. I think this should go into clause 34 because the subclauses (a) to (j) are very specific but there is no mention of how to deal with a problem. I think that should be included rather than leave it unspoken, I think it should speak of procedures for dealing with complaints.

Mr. Chairman: Is this not addressed under clause 34(2)?

Mr. Imbert: Yes, but clause 34(1) talks about regulations and then lists a number of things like specifications for construction, minimum standards of care, inspection, duties and qualifications.

Mr. Chairman: Yes, but without limiting the generality of it.

Mr. Imbert: I know, but I feel this is important. I feel it should be mentioned rather than just left.

For example in clause 34(1)

“(f) the admission and care of residents and the control of the admission...

(h) the submission of reports and returns to the Minister;”

What is the problem with putting a specific provision to deal with complaints?

Mr. G. Singh: Complaints?

Mr. Imbert: Yes.

Mr. G. Singh: How are you going to word that?

Mr. Imbert: Procedures for dealing with complaints.

Mr. Ramsaran: Mr. Chairman, I beg to move that clause 34(1) be amended by adding a subclause which reads:

“(j) procedure for dealing with complaints arising from this Act.”

And (j) now becomes (k).

“(k) prescribing anything authorised or required to be prescribed by this Act.”

Question put and agreed to.

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

The First Schedule ordered to stand part of the Bill.

The Second Schedule ordered to stand part of the Bill.

Clause 5 recommitted.

Mr. Martin: Mr. Chairman, before you continue, I am sorry. I need to get some clarification with respect to clause 5, and that is the client classification manual published by the ministry. Is it in existence or is it to be published by the ministry? I am sorry that slipped me before.

Mr. Ramsaran: No.

Mr. Martin: It is not in existence.

Mr. Ramsaran: It is not as specific as this. We have clients publishing different areas but not under this Bill.

Mr. G. Singh: Do you have a manual?

Mr. Ramsaran: Yes. It is published for our use.

Mr. G. Singh: From my understanding, there is an internal investigation manual, it will now go to the next step to be published.

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

House resumed.

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

5.20 p.m.

SOCIALLY DISPLACED PERSONS BILL

Order for second reading read.

The Minister of Social and Community Development and Minister of Sport and Youth Affairs (Hon. Manohar Ramsaran): Mr. Speaker, I beg to move,

That a Bill to provide for the assessment, care and rehabilitation of socially displaced persons and for related matters, be read a second time.

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The issue of social displacement, and more specifically, vagrancy is not new to this country and certainly not new to our urban areas. Over the years there have been many strategies and plans devised on how the problem could be addressed, and although we have been able to reduce the numbers within recent times, there still exists too many persons who roam our streets with compromised mental and physical conditions. These individuals elicit various responses from the public, ranging from sadness to outrage. On any given day, one can be confronted by an aggressive person demanding money, or asked by a more docile individual to help their situation.

Who are these people, and how did they get to such a low point in their lives? Are they not someone's son, daughter, mother or father? Have they no relatives who can care for them? They must have come from somewhere. Why do they not return to their homes or families? As responsible citizens we should ask ourselves these questions.

In the 1993 survey to determine the root causes and effects of vagrancy and homelessness undertaken by my ministry, approximately 17 per cent of socially displaced persons were on the streets as a result of unemployment; another 18 per cent had been abandoned or had some family dispute; 3 per cent were physically ill, while 7.8 per cent were mentally ill. Significantly, 59.1 per cent of the total population admitted to prolonged and continued use of alcohol or other drugs. This speaks of the insidious nature of drug addiction and its destructive effects on a society.

As you are, I am sure, aware, several attempts have been made over the years to treat with this situation. The Mental Health Act of 1975 sought to facilitate the involuntary removal of anyone assessed as mentally ill by a mental health officer; conversion of the Caura Hospital to a facility for socially displaced persons; the collection of all vagrants and shipping them down the islands. The Centre for Socially Displaced Persons or the Riverside Plaza Assessment Centre, as it is more commonly known, was the first tangible effort. It is an assessment centre in Trinidad and Tobago set up by Government and run by the Society of St. Vincent de Paul for the sole purpose of addressing the immediate needs of a socially displaced population.

Additionally, many community groups and organizations, such as the Living Waters Community, Waterfront Relief Centre, Foundation for the Enhancement and Enrichment of Life (FEEL), Adult Literacy Tutors Association and the Coalition Against Drugs in Chaguanas, assist by providing various services, including meals, baths, change of clothing and rehabilitation.

At the time of the establishment of the assessment centre, based on statistics provided by the Society of St. Vincent de Paul, the street population was well over 400 persons in Port of Spain alone. Since its inception, the centre has served over 600 persons. In a count conducted by the Society of St. Vincent de Paul at the end of March 2000, there were approximately 181 persons on the streets of Port of Spain, a reduction of more than 50 per cent of the former street population.

This administration is confident, that through the introduction of social rehabilitation programmes and further strengthened by this legislation, significant gains can be made in the medium and long term. There may be many in the society who might scoff at the thought of rehabilitation of these citizens, however, as Minister of Social and Community Development, it is my responsibility to secure the well-being of every citizen of this country, and this includes socially displaced persons.

While many people just want this group to disappear so that they no longer have to be offended by the sight of them, my ministry seeks to ensure that we do not engage in any quick-fix measures which would only be of aesthetic value. This is critical, since for too long this issue has been allowed to escalate. The Ministry of Social and Community Development is engaged in a comprehensive, multi-disciplinary plan to address this problem. Recently in an effort to facilitate the removal of homeless persons in other areas, a joint project was undertaken between the San Fernando City Corporation and my ministry for the construction and operation of an assessment centre in San Fernando. This facility called CHAMAD, I am told is now fully operational and now houses over 40 individuals who were previously on the streets in San Fernando. Another assessment centre is planned for Chaguanas and another shortly in the Arima area.

This centre in Chaguanas is intended to accommodate a maximum of 40 persons and also provide for the client's transition to independent living. Other significant developments in this area include: collaboration with the Society of St. Vincent de Paul to complete the Audrey Mollineau house which will be used as a halfway house for homeless females with psychiatric problems. This was established in Barataria and began operations in June, 1999, as you are aware.

This halfway house will cater to the needs of women who are socially displaced, many of whom were patients of St. Ann's hospital and were fit for discharge but had no homes to which they could return.

The expansion of the Caura Drug Treatment Facility, from a 16-bed facility to a 45-bed treatment centre.

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As an indication of the kind of success we anticipate in the rehabilitation of socially displaced persons, allow me to make reference to a recent pilot project undertaken by my ministry in collaboration with some of the drug treatment facilities in this country. During the course of this project, approximately 71 clients from the Centre for Socially Displaced Persons were assessed to enter drug rehabilitation for a period of three months. Of this group, 47 individuals have moved on with their lives. This is, indeed, very noteworthy, because this percentage is quite high. They now hold jobs and are either reunited with their families or living independently. Only seven from this group have returned to life on the street.

Additionally, there has been enhanced collaboration between my ministry and organizations providing drug rehabilitation services, including Rescue Mission Transformation Centre, Abundant Life Ministries, Rebirth House, New Life Ministries and others. This has also facilitated greater networking between these organizations and increased their commitment to assisting with other socially displaced substance abusers. This has been a very encouraging exercise for my ministry and when the Piparo Drug Treatment Facility begins its operations later this year, we expect more clients to make use of this treatment option.

[MR. DEPUTY SPEAKER *in the Chair*]

We are, therefore, even more committed to continue on the rehabilitation path and are currently undertaking a second phase of this project, in collaboration with NADAPP and the United Nations International Drug Control Programme (UNDCP).

In keeping with the recommendations of the holistic plan to address the issue of social displacement, my ministry appointed a Social Displacement Board. The board has been functioning now for the past year and a half and has done a significant amount of work toward understanding the complex issues pertaining to this social ill. In August 1999, another recommendation contained in the plan was implemented when the staff of the social displacement unit began their work under the direction of the Social Displacement Board. The unit has focussed on the recommendations for immediate action as outlined in the holistic plan. These include working with the Society of St. Vincent de Paul to increase the voluntary removal of socially displaced persons.

The combined efforts of the unit and the Society of St. Vincent de Paul who are also working with the community police, have yielded the removal of 76 persons between January and March, 2000. Liaising with the North-West Regional Health Authority and the mental health officers responsible for removal

of the mentally ill, a total of 26 persons have been removed between August, 1999 and February, 2000 through their efforts.

We continue to assist socially displaced persons in San Fernando and Port of Spain and to date a total of 107 clients have been assessed. The preparation and approval of proposals for socially disabled substance abusers to enter rehabilitation—this programme started on April 4, 2000 and a total of 28 clients have entered four treatment facilities; a further 12 will be joining them before month's end to begin a six-month treatment programme.

5.30 p.m.

In the preparation and approval of a proposal to prepare clients for the transition to an independent living programme, a total of 25 clients currently resident at the Centre for Socially Displaced Persons will participate, facilitated by a consultant. There is a programme for the facilitation of the relocation of elderly clients to homes where their needs can be more efficiently met. There is also preparation of proposals for a literacy programme and transitional housing for clients to transition to independent living and seeking out job resources for clients. Additionally, Mr. Deputy Speaker, the unit is in the process of developing a standard of care document and creating liaisons with other ministries and organizations for services to be utilized by socially displaced persons during and after rehabilitation.

Mr. Deputy Speaker, you will realize that since this unit is on board—and I want to make the point that when I entered the Ministry of Social Development there was nothing in place to deal with the vagrancy problem, so now I am really happy to announce the establishment of a board and a unit in the Ministry of Social Development to deal with this vexing problem of vagrancy. The enactment of this Bill would further strengthen the ministry's ability to ensure that this issue receives the ongoing attention that it deserves and badly needs. It is aimed at providing a legislative framework to deal with persons who are socially displaced. Additionally, it focusses on relocation, assessment, treatment and rehabilitation of socially displaced persons and, to some extent, moves away from the concept of penal sanctions. The ultimate aim of the proposed legislation is to provide, where possible, for the eventual reintegration of these persons into the mainstream of society.

Mr. Deputy Speaker, if I may, recently two incidents happened which I must report to this honourable House. At the funeral of the late Archbishop Pantin, a gentleman came up to me and asked me, "Minister, do you remember me?" I looked at him and then he said his name was Mr. So and So. I said, "Yes, I

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remember the name". He said, "Well, I want to thank you for doing this to me". Mr. Deputy Speaker, a year and a half ago he was a vagrant in Port of Spain and today he has been reintegrated into society and is quite a respectable gentleman earning his livelihood. This indeed I am very, very proud of.

A couple days ago while walking along from Duke Street to Parliament another gentleman stopped me. He said, "Mr. Minister, I would like to come in the office and talk to you". I said, "Concerning what?" He said, "All I want to tell you, keep up your good work". He too, Mr. Deputy Speaker, was a vagrant and is now back in society, just as you and I, earning a living and being reintegrated back into society. So things are happening and things are continuing to happen, as far as the vagrancy population is concerned, in the Ministry of Social and Community Development.

This Bill will provide for the establishment of appropriately licensed care and assessment centres. It will allow for the development and implementation of standards of care by which the operation of all centres will be guided. It will encourage voluntary admission to an assessment centre. It will permit the involuntary removal of persons from the street while ensuring that their human rights are respected. Specifically, this provision will impact on those persons who, despite the best efforts of field officers, continue to sleep on Duke Street, South Quay and along Independence Square in Port of Spain and also in San Fernando, and who have no desire to relocate to the assessment centres.

It will facilitate the assessment and treatment of clients in rehabilitation parks based on their individual needs. It will foster ongoing collaboration between ministries and other agencies involved in the care of socially displaced persons. It will establish the social displacement fund for the purpose of receiving contributions from corporations and other citizens towards funding projects related to social displacement.

Mr. Deputy Speaker, the Government of Trinidad and Tobago, and specifically the Ministry of Social and Community Development, affirms its responsibility to every citizen of Trinidad and Tobago. My ministry has, as its short-term goal, a significant reduction in the number of homeless persons and, as its long-term goal, the eradication of this problem. This can only be achieved with a comprehensive social system that addresses the accommodation of the rehabilitation needs of all groups within the target population. I note with great satisfaction the efforts that had been made thus far in treating this social ill. This legislation is critical in consolidating the gains made and guaranteeing an acceptable standard of living for our people.

It is with great pride and pleasure I beg to move. [*Desk thumping*]

Question proposed.

Mr. Fitzgerald Hinds (*Laventille East/Morvant*): [*Desk thumping*] Mr. Deputy Speaker, this would not be the first time that there has been an attempt by an administration to deal with an obvious problem in our society. The Minister pointed out some of the negative aspects of having displaced, homeless persons on our streets and I am confident that it does not require any parliamentary or legal experience to sense those problems and to know, most certainly, that it is something that every society ought to address. However, it appears that no society in the world, developed or less developed, is free from this situation and one wonders what really is the cause of this situation where people find themselves living that existence.

As I contemplated that matter, I came across a quotation made by a former Mayor of Port of Spain and he, in turn, was quoting one Dr. Bernard and he said, and I quote:

“Vagrancy, homelessness and destitution are natural features of societies which do not hold as paramount the inalienable rights of individuals to a share of the national wealth. Few will disagree that no one is usually ‘better’ than the other and therefore automatically entitled to more or less of what his country owns. Nobody wants to be poor, nobody wants to be a vagrant when he grows old. Why therefore does poverty exist in countries such as ours?...Our social institutions had failed to play their part in arriving at a scientifically sound plan of action and he stated that our failure to deal with the problem was a collective failure and while the state does not stand alone it stands at the centre...There had always seemed to be legislation and social programmes to bandage the wounds of poverty.”

This speaker set the problem of vagrancy, homelessness and destitution in the context of poverty. But that is to be disputed, of course, because there are many very poor people who, interestingly enough, and fortunately, never find themselves on the streets so that, in my view, vagrancy is not exclusively a function of poverty. I think it is quite clear that a large section—in fact, reports coming from the very Society of St. Vincent de Paul that I am aware of, indicate that the majority of persons on the streets are mentally deranged. So it has nothing to do with poverty because one can certainly be mentally deranged even if one’s financial and economic circumstances were healthy indeed.

However, Mr. Deputy Speaker, as the writer spoke about the question of these being features of the society, or societies in which the inalienable rights of individuals to share in the national wealth were not strictly observed, he places it in poverty. When I heard the words, “inalienable rights”, I immediately

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contemplated the inalienable and constitutionally enshrined rights of individuals, however we may assess them. The Attorney General told us today that no rights are absolute, and that is quite correct. No one is to enjoy his or her constitutional rights at the expense of other people's rights in the given society. Earlier I had indicated that this is not the first attempt at a legislative framework or to give the state legislative authority, recognizing the weaknesses of existing legislation to deal with this problem.

A few years ago I was not a Member of Parliament, of course, but I read the newspaper and I followed the events of our society. A past administration, in the early 1980s, attempted to deal with this problem and an attorney-at-law, constitutional lawyer self-styled, a human rights enthusiast—I am told that he was the only member of the Human Rights Bureau of Trinidad and Tobago, and he will be reactivating his status therein very shortly—took umbrage at the fact that the government was seeking to rid the streets of these people, however well-intentioned the government might have been. Because I am sure that the intentions of that government were no less or more honourable than the current Government as it makes this attempt.

In the language of the constitutional lawyer, the Member for Couva South—in private practice then—told this nation that the government of the day would have been interfering with the inalienable rights of those people. So he championed the cause of the street dwellers, the vagrants, those who were obviously socially displaced. *[Interruption]* I am told by our Chief Whip that we are quite—well, no. I cannot say that. *[Interruption]* No, no, no, I could never bring myself to say that. *[Interruption]* I agree with your sentiment but I will have to find other words. Until I could find other words I will never say that, though I agree with the sentiment.

The point is that he appeared to be the champion of these street dwellers, man. He never saw them before, probably never got close but he spoke loudly on their behalf and he told the government of the day, “You cannot touch them”, and he threatened a constitutional motion as well. No doubt he had in mind the Constitution of Trinidad and Tobago which enshrined therein some of the inalienable rights as established by the United Nations. The one to which he must have given his attention at that time was (g) of those lists, of the list between (a) and (k), that is:

“freedom of movement”

and probably (b):

“the right of the individual to equality before the law and the protection of the law;”

And probably (a), my learned friend, senior counsel designate:

‘the right of the individual to life, liberty, security of the person and enjoyment of property’”

Even if it were his cardboard box:

“and the right not to be deprived thereof except by due process of law;”

I have no doubt that these were the kinds of thoughts that influenced the mind of the Attorney General. I want to tell him one thing, though, that the government of the day, a PNM government, was well-meaning and well-intentioned. It was trying to give expression to the sentiments of the large community to rid the streets of these people because, in a strange sense, a chain is as strong as its weakest link and when you look on the vagrant and the homeless and the destitute in the society it does reflect on us. It does say something about weaknesses.

5.45 p.m.

Mr. Deputy Speaker, for example, a child may be born into a very rich or even noble or royal family, that child is not responsible for that; and so too, a child may be born in a situation of abject poverty and, perhaps, of destitute parents too, that child is also not responsible. So somewhere between those two extremes we all find ourselves. We are fortunate not to be at the lower end of that scale. All human beings are somewhere between our highest expressions and manifestations and our lowest.

Vagrancy and homelessness reflects our weaknesses and it does say something about our society and, obviously, one can tell a lot about a society on the basis of how it cares for those who are in such need, and the Government of the day’s intentions were good. No doubt, the intention of today’s Government is also very good.

Mr. Deputy Speaker, I demand that the Attorney General enter this debate if he did not plan to and tell us—before I say that, let me make it quite clear, since we initiated the action then, we gave it our full support. I want to assure that the Members from this side will be supporting these measures, because we would like to see our city free of that kind of element; we would like to see those who are taken off the streets rehabilitated if possible and, if not, cared for and treated in the most humane way that is possible. We would like to see that.

Mr. Deputy Speaker, I want to assure the Member upfront that we would have also supported it even if he came here today with a Bill requiring a special majority. If the Government accepted that the constitutional rights—inalienable as

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they are—of those who are likely to be picked up with the powers of this Bill—So that is not in question. But as a matter of procedure and record, I would like no one else but the Attorney General, who happens to be the lawyer of whom I spoke, to tell us why this Bill does not require a special majority.

We are quite aware that there are some instances where the very Member for Couva South used the constitutional provisions of Trinidad and Tobago in my humble view—and I mean no disregard or disrespect to him—used the issue of the death penalty when he was not in Government but when he was in private practice not because he had any real concerns for it. The Attorney General really, in my humble view, did not have any real concerns about human rights but it was an opportunity to launch a legal attack or a constitutional attack on the government of the day in order to gain political mileage. That is my view.

Mr. Deputy Speaker, the minute the Member came to Government and achieved his mission and purpose; his dying and burning ambition to hold power—it did not matter whether the Member was Prime Minister or Attorney General—all the Member wanted was power. The minute the Member got that he disbanded the very human rights organization; abolished all the protections that we had in place; and removed our rights to go to the human rights bodies internationally for protection—*[Interruption]* I cannot say that. I will not treat the Member so badly today—and the Member oversaw the hanging of several people in this country recently, but that is a separate matter.

Mr. Deputy Speaker, I am arguing that so too the Member was using the displaced, the destitute and the homeless. The Member had no care in his heart for them. The Member has a hard heart—*[Laughter]* and the Member comes today in the metaphor—

Mr. Maharaj: The Member's whole contribution is about me.

Hon. Member: He likes you.

Mr. F. Hinds: Let me not use that metaphor. The Member comes today—I was about to say with a certain—anyway, let me leave that. So the Member must tell us that.

Mr. Deputy Speaker, I want to address a few matters. I have looked at clause 5(b) of this Bill which is perfectly drafted. The meaning is quite clear, unambiguous. But what does it mean in practice? That is to say:

“The Unit shall be responsible for—

- (b) the establishment and monitoring of care standards for the socially displaced;”

Mr. Deputy Speaker, charity begins at home and we are talking a bit about charity here and being charitable; being good human beings; being loving; and being caring. There is a state institution at Cocorite, the Infirmary, where it takes care of the old and those who are displaced. The Society of St. Vincent de Paul operates a care centre at a car park which was converted in the Besson Street area. They have been criticized from time to time and, no doubt, when other institutions are established, there may be for example, some criticisms as to how they operate and take care of others. Charity begins at home and if the Government has any knowledge of it—I am sure you do, Mr. Deputy Speaker—the circumstances at that institution do not represent a good standard or example at all, for those that would come in the future. It has to do with the general problems that we heard the leader of the Public Service Association allude to sometime ago. It has to do with the morale of the staff; it has to do with poor remuneration packages; it has to do with the lack of facilities at the institution; and the fact that it has outgrown its immediate capacity because of the needs and all of that.

Mr. Deputy Speaker, whenever I deal with that matter, I know usually the Government would respond typically. The Member for St. Joseph would get into the debate shortly after and sometimes the Member for Chaguanas, to tell us about the fact that the Government cannot rectify problems that are 40 years old in four years. Do you know that? That pithy statement that sounds good. But it implies that someone was in government for 40 years which is, of course, not correct. It also implies that even if the Government did not say 40 but 34 years; it also implies that for those 34 years that person or that group or party that was in government had at all times resources that we could speak of today which, of course, is not true. The Member knows that resources in this country really came to us—money—that we could really put in place social programmes in this country from the mid 70s and onwards. I would not bother with the Member. I am just saying so in the event that he gets up.

At any rate, it is that the St. James Infirmary should really be the institution that sets the standard that we seek to achieve in clause 5(b) of this Bill. So, I would want the Government to direct its executive action and power to making that state institution a much more efficient, well-run, well-serviced, and well-resourced institution so that the other units in future can adopt a standard coming out of that.

Mr. Deputy Speaker, this Bill demonstrates the need in our society for training in the practice of geriatric care. The Minister used statistics from the Central Statistical Office and demonstrated that we are faced with a growing elderly

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population—the army of old-people growing—and we see them on the streets every day. I see them in my constituency every day and we all see them.

5.55 p.m.

Typically, one of the partners in a relationship would have died and the old lady or old man is left on his or her own. The children have grown and would have gone off to make their own way in this world. Some would have gone away and some find themselves in the clutches of the law, and typically they are on their own, struggling to survive. They receive a monthly pension from the state which is now about \$720: the Government boasted of that.

Mr. Assam: It is \$620.

Mr. F. Hinds: It is \$620? And the Government tells us that so many of them are now above the poverty line, heartless as they are!

Mr. Assam: Do you know in the day of Moses you would have been struck down!

Mr. F. Hinds: Mr. Deputy Speaker, that is the situation, and we need to see more people. I want to say proudly that if one would look at the last two manifestos—at least those that I have really looked at—of the PNM, Mr. Deputy Speaker—one would see that high on the agenda were provisions made for improving geriatric care and to involve the youth in a consciousness of the importance of caring for the elderly in our society. That is beyond dispute, Mr. Deputy Speaker.

This legislation seeks to establish care centres, but what we find happening is that in respect of old people's homes, we see a lot of satellite homes popping up all over the place. For some people, most people, it is a business enterprise, so that if it appears to be profitable, some people get involved in it and we see homes popping up all over the place with no set standard. From time to time we get complaints about the way the old are treated inside of those institutions.

Those who are in the know on these matters—in fact, I have had conversations with people who work in this business—have indicated that it might be helpful if we could have had a system of regional geriatric centres or care centres in a regional sense, very big, to accommodate people in the major towns and cities. I think I heard the Minister speak of one that has been established in Chaguanas and one to be established in Arima. That is probably the way to go.

[MR. SPEAKER *in the Chair*]

For the present purposes, when this legislation takes effect, there is the Finbar Ryan Care Centre in the Diego Martin area. They are able to provide constant care, because sometimes, you know, Mr. Speaker, these homeless and destitute people require constant and continuing care. When they are taken to the St. Ann's Hospital under the present legislation, St. Ann's is unable to cope with the numbers. This Bill is seeking to rectify that. We understand that, but these institutions that are to be established under this Bill must also be able, in a real way, to provide constant care for these residents, if I can call them so, those persons who have been formally assessed as socially displaced.

I was happy to hear the Minister say that the programme will involve an effort to rehabilitate them, because many of them are rehabilitated, many of them are quite sensible. Speaking to them, one would realize that many of them are not mad. A lot of them wind up there because of antisocial behaviour as a result of drug addiction, so that their parents and relatives throw them out of their homes or eject them from the homes because, as a result of their drug use and drug abuse, they sell the television, sell the gas tank and really create a tremendous amount of problems in homes.

The best thing for the family, at least as they see it, is to put them out. But when they put them out of the house, they wind up on the streets of the various cities, and they need to be cared for and rehabilitated. Many of them eventually get better. So, this is a progressive step.

The St. Ann's hospital at the moment is unable to cope with any further admissions. They will not tell people that, but that is the reality. If one speaks to people who work in that institution, they will tell you that they just cannot cope with it. So, we must move with haste in order to establish these centres, and they must be run properly. The St. Vincent de Paul home and the care centre down at the Besson Street area—the car park that was converted—cannot cope with mentally ill people on the other hand, because they are dangerous to themselves, and of course, to others. So, there is a clear need to have something done about this.

I was looking at the definition of “socially displaced person” and, in effect, it comes down to persons who create a nuisance, who bother people on the streets. They are just there making life difficult for other people and, of course, homeless, suffering and an eyesore. When I saw the concept of “socially displaced”, I could not help, Mr. Speaker, I looked across at the Minister and I felt a little sad because I read an article in the newspaper where he was socially displaced at a funeral on the weekend but, fortunately, that was only temporary. *[Laughter]*

Mr. Ramsaran: Could you tell me which part of the definition of “socially displaced person” I fit into?

Mr. F. Hinds: I will have to ask Mr. Satnarine Maharaj. I can give a definition, but Sat will be better off doing it. And he looked quite forlorn as he was standing there, Mr. Speaker.

Mr. Speaker, I want to highlight the fact that the St. Ann's Hospital will not go away. It remains there. So while we move to establish other centres, that one will remain, and it is no point looking outside to establish new centres for care of displaced people, particularly those who are mentally ill and the one that we now have remains in tatters. So, I want to ask the Minister to make sure that charity begins at home. Make sure that what we have now is working well.

Because of the situation at St. Ann's at the moment, there are many premature discharges. They send away people who should really be receiving continuing care. There is no point jumping to new things and they are not getting that in order. I think the Minister should work to make that institution better in the first place.

I am told that the so-called vagrant or street dwelling population now, by those who assist them on a daily basis, is in the region of 180 to 200 persons on the last count. Mr. Speaker, there used to be about 700 of them up to about a year and a half ago. I remember the Minister saying so. I remember him informing the national community that they should not feed them and that the Minister will make arrangements through his ministry to feed them.

Mr. Ramsaran: I would like to thank the Member for giving way. What I said was that we should not feed vagrants on the streets. If we want to assist, we could go to the different NGOs and the Riverside Assessment Centre so that they will get into the habit of being there.

Mr. F. Hinds: Okay. That is what the Minister is saying that he said but, at any rate, I must tell him that I became very suspicious when I saw the numbers now down to 200. I would like to know what has become of all these people. He gave us two examples of people who have been rehabilitated. I want to know whether the other 500 were also rehabilitated. What has become of the other 500? They just disappeared. I am suspicious. I would like to know. If the street population is now about 200, then, Mr. Speaker, I think that once those who are now no longer on the streets have, in fact, been cared for, some rehabilitated and some remain in institutions, I am happy, but human history has revealed some very strange things, and governments that tend to be dictatorial are capable of anything. I hope that does not happen in Trinidad and Tobago.

Mr. Speaker, it is important that we understand that one cannot tackle the vagrancy problem directly, and that is to say, taking people off the streets. I want the government to understand this full well. Taking people off the streets will not resolve the problem entirely, because it means that if one thinks that would be the solution, one will shut one's minds and eyes to other sources of the problem.

There are fellows who have been discharged from the prison quite sane, but having come out of the prison, they have no place to go. They may have been living with an aunt or grandmother who may have died during the time they were in prison, and in my constituency, I have had over the years at least 3 or 4 persons who have come to me in exactly that situation, wanting to know whether we could assist with some NHA unit somewhere for them to put their heads rather than be on the streets.

If a man is discharged from the prison and the prison population is increasing, he gets a little cash and his little bag with whatever items he may have possessed, and he now comes out and walks to the last place he used to call home and he finds that his relatives no longer live there, it is a startling situation indeed. He finds himself displaced. He is not mad. He is not necessarily a drug addict.

Mr. Assam: Did they not visit him in prison?

Mr. F. Hinds: Sometimes not. Nothing drives a person more to the edge and to mental derangement than—the idea of putting these centres around the country is very useful. Sometimes a fella may come from deep south and he is staying at the St. Ann's Hospital and his relatives cannot afford the time and money to visit him as often as they should. By not seeing relatives, he loses touch with his family, he feels very rejected, and when he is discharged, sometimes he does not bother to head that way. He just heads down to Woodford Square where a few of his friends may have told him they hang out. That, too, is a problem.

Putting these centres around the country will make them more accessible to relatives and to keep in touch with them. This is not a policy decision taken on this side, but as I am on my legs I would say this. I contemplated the issue myself and I feel that sometimes families should be assisted, rather than the state intervene and establish centres, because the real strength of rehabilitation is community care. The Minister called this project community care, but if one puts people in a centre in Arima, Chaguanas, and so forth, that may not necessarily be a good example of community care, because they are institutions, and we have already seen and we know that institutionalization in itself creates problems. However good and healthy the institution might be, however well meaning, the

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fact that the person spends a considerable amount of time in an institution affects his or her natural development or growth, because the home is the natural environment for someone.

6.10 p.m.

The family and the institutions ought to, as far as possible, reflect the familial environment although I admit that is not always easy or possible. I wondered, for example, if we have not come to the stage where we should be looking at supporting families to deal with these displaced persons because many of them are willing.

I know a young man in my constituency who is displaced as we call it. He made life difficult for his family, but they really would like him to be home, but he does not stay home. They tried to keep him home, but he runs away. He was put at St. Ann's and it is not difficult to run away from St. Ann's either, and the next thing he is back on the streets. I know for a fact, they have tried to secure him at home and he screams and makes noise.

If they, for example, had some assistance from the state like some social security payment, and probably a few dollars to put up a structure, if they had the facility at the back of their home where he would not be in the immediate home in the bedroom or living room with them if he is difficult. If the state gives assistance to families they may be better able to care for their relatives who behave in that way in the home and that would be much more community-oriented than the centres we are now contemplating. Probably one day we may be moving in that direction, but for the time being we hope that these proposals work well.

It is to be noted, Mr. Speaker, as I was wondering earlier, what causes people to behave like that. I questioned those who are in the know, and of course, to some extent it is also cultural. Families that have a tradition of stronger familial ties for historical reasons and otherwise, families that are better able financially to cope with the problems that beset them, the likelihood is less that the family will wind up on the streets. So there is a cultural element to it, and we hope that over time, that too could be addressed.

There was an interesting observation I made, for example, at St. Ann's where the bulk of these people are kept when they are taken off the streets; traditionally the male population used to be 1—3, 1—4 but over the last few years, sadly but truly, the female population of homeless, destitute, and vagrants, is catching up with the males. For example, at St. Ann's as of today, I am advised that there is a population of about 505 female persons there, 335 being kept in wards, the others

are out patients who visit, and for the males, 784 and 500 warded, so there is a total population of about 835. They have observed an increasing number of women and indeed, younger persons. So something, or things are happening in our society that are generating that kind of result and it brings me back to the Government's suggestions. Many fathers are absent, they abscond, do not honour their responsibility to their families. The family structure is weakening and women are constantly made to carry the brunt of it. Some of them cope very well, and some are unable to cope with the pressures and are cracking under it.

When the Government spoke last year of making available moneys for the well-being and the development of single mothers and did not live up to it, it was very disappointing indeed. When I made the point earlier that you do not only tackle vagrancy directly by removing them off the streets, those are the kinds of things that need to be put in place to ensure that the family remains strong and members of the family do not have to drift off and become street dwellers as is the problem we are trying to address today.

Mr. Speaker, I assure the Government that we on this side of the House support these measures and that these thoughts are not new to us, we have been here before. We were, in a sense obstructed because it was quite clear that once a special majority was necessary or deemed to be necessary, it was not easily forthcoming from an Opposition that opposed for the sake of it, but we are magnanimous enough. We look after the interest of the citizens of Trinidad and Tobago sufficiently to cause the Attorney General to know that we support these measures in principle, and even if it required a special majority, he too could have been assured of that.

With those observations, we wish Trinidad and Tobago well, but we know that even these measures will be better implemented and carried out at the hands of a Government which obviously, was much more caring and capable, and we look forward to those developments soon so that we would give real effect and meaning to these measures.

Thank you.

Mrs. Camille Robinson-Regis (*Arouca South*): Mr. Speaker, I rise to make clear some concerns we on this side have with regard to this particular piece of legislation. We have already indicated that, in principle, we agree with what this Bill is attempting to achieve, but we have some specific concerns with regard to certain clauses in this Bill and I would like to raise those concerns and ask for an explanation from the Minister, the Member for Chaguanas.

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Mr. Speaker, I would ask you to look at clauses 15, 16 and 17. Clause 15 states:

“Where a field officer determines upon investigation that a person is a socially displaced person who refuses to move voluntarily, the field officer shall submit a Report to the Investigation Unit.”

- “16 (1) If upon receipt of the Report, the Unit is satisfied that the person referred to in the Report is a socially displaced person submitted under section 15, the Unit shall make an application to the court for an order to admit that person to an assessment centre.
- (2) Where the court is satisfied on the evidence presented that a person named in that application is a socially displaced person, the court shall make an order requiring that person to be admitted to an assessment centre.”

Mr. Speaker, we have some concerns about that because in circumstances where a person may be socially displaced, where does the investigative unit get the authority to apply to the court to have this person admitted to the assessment centre, based on what authority? We are asking for an explanation of this particular clause in the Bill, because it would appear as though the person who is socially displaced as was said some years ago, has no rights. And in the circumstances, where someone as the Bill says, on investigation will apply to the court to have this person admitted to an assessment centre, then we want to know exactly where this authority comes from and what, if any, is the offence committed by this person to have him/her—to put it perhaps a little strongly—imprisoned? Because he is going to be placed against his will into an assessment centre. We would like an explanation of that.

Mr. Speaker, we would also like an explanation of clauses 29 and 30. Clause 29 says:

“Any person who—

- (a) without permission of the manager, leaves a care centre to which he has been admitted in accordance with this Act; or
- (b) having obtained permission from the manager, leaves a care centre for a limited time or for a specified purpose and fails to return at the expiration of that time or when that purpose has been accomplished,

and returns to street life commits an offence and is liable on conviction to imprisonment for a term not exceeding three months.”

Mr. Speaker, we are asking if someone decides to leave the care centre, is this particular piece of legislation therefore, creating the offence of a person not being allowed to leave on his own volition? It cannot be that the persons who are there are being imprisoned in the assessment centres. It must be that these persons still retain their rights and the ability to determine what they would like for themselves, and this legislation cannot be creating offences in such a way as to virtually imprison persons who have in fact, not committed any jailable offence.

We would like an explanation of what gives this legislation the right to virtually hold people hostage, and if we look at the Summary Offences Act, Chap. 11:02 which at section 45 states:

“45. A person committing any of the offences mentioned below in this section may be deemed an idle and disorderly person, and shall be liable to a fine of two hundred dollars, or to imprisonment for one month—”

Mr. Speaker, even in this legislation, the Summary Offences Act, a person who is found in the street idle or begging, the maximum imprisonment is one month. However, in the legislation which is now before the Parliament, if someone leaves the assessment centre, he may be imprisoned for up to three months, and that cannot be correct.

Clause 30 says:

“A person residing in a care centre who—

- (a) takes part in any assault or attack on any officer of the care centre;
- (b) aggravates or repeatedly assaults any other person residing in the care centre; or
- (c) willfully destroys or steals any property of the care centre, or of the staff or other residents of the care centre,

commits an offence and is liable on conviction to imprisonment for a term not exceeding one year.”

Mr. Speaker, the Summary Offences Act says any person who unlawfully insults or beats any other person is liable to a fine of four hundred dollars or to imprisonment for three months. Is it that the persons who are socially displaced must be treated so differently from members of the normal society of Trinidad and Tobago?

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6.25 p.m.

Is it that this legislation is attempting to punish those persons because they have found themselves in the unfortunate position to have become socially displaced persons? We are very concerned that the existing legislation to deal with idleness; to deal with begging; to deal with assault and battery; is going to be radically moved away from by this legislation which also deals with idleness, assault and battery, but because the persons are persons who are deemed socially displaced they must be punished and be treated so differently from normal persons in the society.

We are very concerned at the trend this particular piece of legislation is taking, because it seems as though the legislation is attempting to be extremely punitive—even more punitive than persons who would normally commit the offences as they had been stated in the Summary Courts Act. We, on this side, are of the view that it must not be that socially displaced persons must be treated as though they have no rights in our society. We heard on the other side that we on this side made no attempt to deal with that issue. But, Mr. Speaker, every attempt that we made to deal with that issue, attempted to show that the government of the People's National Movement still cared for those persons who were displaced. *[Desk thumping]* It cannot be that because the persons have become socially displaced that they must be punished for falling on hard times in our society.

We must bear in mind that these persons are still citizens of Trinidad and Tobago. Our Constitution, in Chap. 1, Section 5(2), under the Recognition and Protection of Fundamental Human Rights and Freedom says:

“Without prejudice to subsection (1), but subject to this Chapter and to section 54, Parliament may not—

- (a) authorise or effect the arbitrary detention, imprisonment or exile of any person;
- (b) impose or authorise the imposition of cruel and unusual treatment or punishment;”

We are contending that given the fact that the Summary Courts Act has punishment for the same matters that are being dealt with in this particular piece of legislation, that there must be a co-relation between the Summary Courts Act and this legislation which attempts to deal with socially displaced persons. Because those persons who have fallen into a situation which, for some reason, cannot extricate themselves, must not be cruelly and unusually punished just because they have fallen into that situation.

It must not be seen as though they have committed some crime because life has not been as easy for them as it may have been for some of us. We cannot stand here and agree totally with these particular clauses in this piece of legislation. Mr. Speaker, we are asking the Government to examine or re-examine these particular clauses, because, indeed, it appears as though, through this legislation, the Government is attempting to subvert the Constitution and impose or authorize the imposition of cruel and unusual treatment or punishment on citizens of Trinidad and Tobago.

We are asking the Government to look at these clauses again, and indicate to us, what is the rationale for imposing this kind of treatment on socially displaced persons?

Mr. Speaker, I thank you.

Mr. Speaker: Order, please! Order!

Mr. Colm Imbert (*Diego Martin East*): Mr. Speaker, I wish to amplify the points made by Members on this side. The Bill before us seeks to make legislation, which will allow the state to take persons into custody. As the Member for Arouca South pointed out, once you reach that point—you are taken off the streets and put into custody and so on—what happens thereafter? You are subjected to unequal treatment under the law. This is the point that the Member for Arouca South is making. You pick up these people; you drag them away; you put them in a place and then when they are there and they commit an offence they get unequal treatment under the law. That cannot be right, and it is also against their will. You are taking them off the streets against their will.

There is provision under clauses 15, 16, 17, and so on, I would really like to ask the Attorney General about; the whole question of going before the court. There may be quite a few socially displaced persons who may be unable to deal with that situation: cannot get representation; cannot represent themselves; cannot deal with it all, but there may be other persons who may not be at the point of vagrancy where there is a need to remove them from the streets. There may be some sort of discrimination taking place, where a field officer may decide that he is going to deal with a particular person by submitting a written report and so on.

I am not happy with the provisions in clauses 15, 16 and 17. I would ask the Attorney General—he knows much more about this than I; this appears to be *ex parte* to me. It appears to me that a field officer would make an investigation, submit a report and then go before the court. It appears to be *ex parte*. Is there any opportunity whatsoever, for the person who is accused of being a socially

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displaced person to speak for himself? This is why I have to come back to what the Member for Arouca South is saying: a field officer makes a report; it goes before the unit; the unit goes before the court; the court makes an order; they pick up the person; they throw him in a care centre—this may be a person who is not really at that level of vagrancy—so the person puts up a struggle. They are not happy with what is taking place. They may have left their home just for a couple of days; they may have some problem; but they are not at the point of vagrancy where they are creating a nuisance or anything like that, but you nab them, you throw them in a room, and they put up a struggle. As the Member for Arouca South has put forward, they are going to be subject to a jail term of one year, and other very, very harsh penalties. *[Interruption]*

Mr. Assam: What are the other harsh penalties beside the one you are speaking of?

Mr. C. Imbert: The fines. You have not read the Bill. *[Laughter]*

Mr. Speaker, as my colleague from Arouca South has pointed out—you know, you are dealing with people who, in most cases, cannot help themselves—remember these are people who are emotionally battered; they are under all types of stress, so they really cannot help themselves. You recognize on the one hand, that this is a person in need of help: this person is suffering from physical, mental, emotional stress and so on, so he or she needs help.

6.35 p.m.

You recognize that. Yet, on the other hand, you decide that this person must be punished much harsher than an ordinary member of the public. It is inconsistent. I mean, these penalties are inconsistent and I really would ask the Attorney General to look at it in terms of clause 30, which says:

“A person residing in a care centre who—

- (a) ...commits an offence and is liable on conviction to imprisonment for a term not exceeding one year.”

Really, the whole point of the care centres has to be rehabilitative. The whole thrust of this legislation has to be towards rehabilitation of the individual rather than incarceration and punishment. The whole theme coming through at the end of the legislation is that it is focussing on punishment and incarceration and so on. This cannot be right. I mean, these are people who are hurting, these are people who have problems and, as a result, they may react to situations in a manner in which a normal person would not. These are persons who, as I said, have been

under severe stress and therefore they may be disorderly, they may be violent and so on and you have to understand that and, rather than seek to punish them, beat them, jail them, use restraints and electric shock treatment, or whatever it is you have in mind for these people, I think you should be looking at rehabilitation. So that, these clauses dealing with offences are really not consistent with the thrust of this legislation.

I return to the point about the question of the procedure for going before the court, whether it is *ex parte* and whether any opportunity whatsoever would be given to the persons to answer the charges made against them that they are socially displaced persons. I thank you, Mr. Speaker. [*Desk thumping*]

The Minister of Social and Community Development and Minister of Sport and Youth Affairs (Hon. Manohar Ramsaran): Mr. Speaker, when I was listening to the contribution from the Member for Laventille East/Morvant, for the first time I saw him at a loss for words and looking very nervous, and he admitted too that he was at a loss for words. I know him to be one quite self-confident sometimes, Mr. Speaker. However, when I looked around I saw Sen. Shabazz in the Chamber, then I knew that was the reason for his nervousness. [*Laughter*] However, Mr. Speaker, I would like to thank the Member for his contribution and he agreed that this piece of legislation is long overdue and he supports the measure. Of course he had some concerns which I would now attempt to answer.

He spoke about poverty that caused or did not cause vagrancy. Mr. Speaker, let me repeat, through you, for the Members opposite that I never mentioned the word poverty. I said that 17 per cent were out there as a result of unemployment; 18 per cent were abandoned by their family; 3 per cent were physically ill; 7.8 per cent were mentally ill and 59 per cent were drug abusers. Mr. Speaker, to hear a Member of Parliament come and say that in the past their administration was trying to remove vagrants from the streets to satisfy the wider public, the question I ask is, to put them where? I said in my earlier presentation that we do not have or want any quick measures to deal with vagrancy.

I remember in the past, when I was not a member of this House, that in their attempt to rid the streets of vagrants the government then was opposed by a certain lawyer about whom they spoke. I remember quite clearly what came out then was, "Where are we going to put these vagrants? What are we going to do with them?" Some said ship them to the islands and things like that and I remember at the time, and even when we took office in 1995 there was nowhere to put vagrants. I want to tell you a true story, Mr. Speaker.

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When I went in to the Ministry, one of the burning issues on my mind was, and still is, the vagrants. I spoke to my then permanent secretary and said to him, “Well, Mr. Permanent Secretary, one of the first things I want to tackle or to continue where the former Minister, Mr. Huggins, left off, was the vagrancy”. I remember during the campaign in 1995 they had this \$25 million plan to deal with vagrancy in Tunapuna. Mr. Speaker, you remember that. Do you know what his answer was? He said, “Minister, you are new to politics; let me tell you. There is nothing like that in the ministry. That was just an invention by the Minister on a political platform.” That was my first major disappointment as a Minister. I looked high and low and there was no \$25 million to deal with vagrancy as was said on the political platform. So \$25 million, Laventille East/Morvant, is nothing new.

So I asked him, “What shall I do? What do we do to deal with vagrancy?” I also said, “Let me speak to the officers who deal with vagrancy”. He said, “What officers? We do not have officers to deal with vagrancy”. So, Mr. Speaker, there was nothing in place to deal with vagrancy. It was just talk and more talk. It was an *ad hoc* arrangement in the ministry where any officer would deal with vagrancy and they would have to deal with it in their way. Then I immediately called my colleague, the Minister of Health, and we set up a joint task force chaired by Mrs. Cheryl Blackman who is now the Permanent Secretary in the Ministry of Tobago Affairs. This committee included members of the Ministry of Social Development and the Ministry of Health plus one or two from the NGO sector.

This task force went to work and by October of 1996 they came back with a holistic plan to deal with vagrancy. Well, of course, on my first intervention, the Minister of Health and myself met with this task force and told them what we wanted. I told them what I wanted and how we should deal with this problem and the plan was there. I remember one person calling it the Ramsaran plan as opposed to the Huggins plan, but the difference was that there was a plan now where there was none before.

This task force went to work. They visited the only existing—the St. Vincent de Paul Society and various other organizations and they described this plan as a holistic plan to deal with social displacement. This plan was very, very exciting in the sense that, here we now could deal with vagrancy and a few recommendations, as I mentioned in my earlier presentation, were met. For example, setting up of the social displacement board and the social displacement unit, among other measures that I already alluded to. We have been working with this question of socially displaced people. To hear our Member for Laventille East/Morvant still mentioning removing from the streets to satisfy the wider public—[*Interruption*]

Mr. Speaker: Keep it down, please.

Hon. M. Ramsaran:—this is indeed not the case with this present administration.

The member spoke about humane treatment. Mr. Speaker, all the measures I mentioned before are indeed humane. If you follow closely what is taking place in this country as we deal with this vexing problem of vagrancy, you would see the humane treatment that is meted out to these ex-residents who are now on the streets. We attempt to rehabilitate them. Rehabilitation is the key word and recently in some newspaper report there was a misconception of what we were attempting to do where the director of the social displacement unit attempted to train 25 people to see how we could reintegrate them into society. Mr. Speaker, this was quite amusing and I feel it could be considered a joke.

Here we have two former vagrants—I have nothing against vagrants; they work with me, they talk to me all the time; they are almost on a first name basis with me. However, two vagrants walked off the streets and went into the *Sunday Express* and got one entire page and they quoted the Minister. The same two gentlemen met me downstairs and they talked to me for about 10 minutes and they gave a quotation of what I said and that was published in the *Sunday Express*. We have important debates in this House, Members would contribute and we cannot get a page in the *Sunday Express*, yet these two vagrants got an entire page in the *Sunday Express*. My Ministry attempted to correct the story and it was promised that we would get the opportunity to tell our side in the newspaper and I am sure, as I speak, that it has not yet happened. So indeed we are dealing with these people in a humane manner and the story on that newspaper alluded to the facts of what we are doing yet the headline was negative. So indeed I want to assure this House and assure the Member that whatever we do to deal with vagrants would be done in a humane manner.

I want to thank him too for mentioning that the vagrants are rehabilitable. That is his word I use and I want to thank him for it because I think vagrants could be rehabilitated. Vagrants he said—and I agree with him, because I speak to him from time to time. In the social displacement unit of my ministry, I understand one of the officers would go out there and trim and get these vagrants to bathe, Mr. Speaker. Indeed, this is something that is laudable and I think the House should applaud this gentleman for doing this. He is going out there on Saturdays and Sundays and bathing and shaving these vagrants, [*Desk thumping*] something not heard of before and that would not be publicized. You would not get a page in the newspaper, I assure the Member for Diego Martin East. So, Mr. Speaker there

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is hope and this piece of legislation would enable us to deal seriously with the vagrancy population in Trinidad and Tobago.

He also asked if what we have now, works. Well, what we have now works, I want to assure the Member and Members opposite. You know, sometimes a Member of Parliament could stand up and say things that are not true, and if it could be contested and you could say, "If there was something I met in the Ministry that could deal with vagrancy, let me know. Maybe I forgot", but I know for a fact there was nothing. As we talk about mental health, Mr. Speaker, as you know I mentioned before some 7.8 per cent of the vagrants in the city of Port of Spain were mentally ill. Cabinet recently accepted the mental health plan developed by the Ministry of Health, after years of consultation, and the plan is to provide for a level of mental care in the community with a view to reintegrating some persons into the community. So, Mr. Speaker, this again is in keeping with what we are doing with the vagrancy problem in the country.

Now, the hon. Member asked, "Where are the vagrants?" This was a leading question. He even alluded to something sinister. Let me assure you, Mr. Speaker, and this honourable House, where the vagrants might be or where they might have gone. They have gone to NGOs and been rehabilitated into society. They went to NGOs like the New Life Ministries, the Rebirth House, FEEL and the Abundant Life Ministries. They went to San Fernando, as the Member for San Fernando West will attest to. Some have gone to St. Ann's. Some have gone, of course, to the Riverside Assessment Centre. Some went to the Audrey Mollineau Home and, Mr. Speaker, some may even have died, as indeed we had instances of HIV positive and AIDS patients amongst the population of vagrants in Port of Spain. So indeed, Mr. Speaker, he alluded to something sinister but I think his question was sinister.

He spoke about assistance to families. We in this administration have instituted microcredit and micro-enterprise. We have public assistance; we have SHARE and we have relief centres. I must tell you that recently I visited the Spree Simon Relief Centre and this centre has done so much over the last few years, and they are so proud and confident about themselves. They too have been assisting us with the rehabilitation of vagrants and I must tell you that the three relief centres have been reorganized with rehabilitation as the key word and not soup kitchens. We do not call them soup kitchens, we call them relief centres where these people are trained to do something positive and to do things that could earn them a living and this is happening at these relief centres.

The Member again attempted to talk about a holistic plan and he alluded to it. He did not call it that but I want to invite the Member and, if he so wishes, I am

sure my ministry would make one of these copies available to him so he could read about the holistic plan that we have in the ministry to deal with socially disabled people. That task force report on the holistic plan is what we are now working with. In case the Member for Diego Martin Central would wake up and ask, “What is the policy?”, the policy is there in that document for all to see and indeed we are working. As far as I am concerned, as far as the ministry is concerned and as far as this Government is concerned, we are working with a direct plan to deal with the issue of vagrants in this country. So indeed, Mr. Speaker, we have no problem with that.

The Member for Arouca South agreed with what the Bill wanted to achieve and she was quite dramatic in her contribution talking about clauses 15 to 17. I assure her that we do not want to break the law. We have our machinery, the due process of law. We would have everything available for these people if they so wish. If they want to appeal or if they want to go to court, we have the legal aid system still working and working quite well under this Government and the Ministry of the Attorney General and Legal Affairs.

6.50 p.m.

Of course, the courts will grant these orders and the due process of law, as I said, would take place. I am sure that at the committee stage, if you require, we on this side, through the Attorney General, will try to accommodate you and explain it. Sometimes at the committee stage, I know the Attorney General educates all of us so maybe this will be another opportunity for that.

The Member went on to talk about people being held hostage. These are very strong words. Here is an Opposition alluding that some social officers will hold vagrants hostage. I mean, this is alarming, is it not, Mr. Speaker? But the Government has no such intention. All the Government wants to do is to get these people back on track. I want to let the Member for Diego Martin East know—and I am sure he knows and hears it.

Mr. Speaker, I remember when I was working in another place in the early 1990s—I sometimes used to work late at nights—one customs officer died at the hands of a vagrant. The officer died at 2—4 Abercromby Street, when he was struck from behind with a heavy object. After this incident we started walking in the middle of the road hitting the white line, looking right and left to ensure we reached our motorcars. So vagrants could be very violent. So if a vagrant commits murder should we rehabilitate him? The due process of law must take place. The vagrant is a human being and he has his democratic and human rights just as

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anybody else. So if the vagrant does wrong he must be treated as such, and as the Member for Laventille East/Morvant alluded, they are intelligent people. They just might be drug addicts; they just might be poor; but they are intelligent people and understand what is taking place.

Mr. Speaker, I know that under the last administration, anytime they had visitors coming here, they would put a story that they are going to pick up vagrants, and all the vagrants run to Chaguanas and San Fernando. *[Interruption]*

Hon. Member: You all did that for Miss Universe.

Hon. M. Ramsaran: No. No. We did not do that at all. We took up vagrants for Miss Universe. *[Laughter]* What happened is that it coincided with a plan to send vagrants to the non-governmental organizations *[Interruption]*. We did not publish it. If you bring any publication of picking up vagrants, you win. But we did no such thing. I used to be there.

Mr. Imbert: Quite seriously, please direct your attention to clause 30 and determine whether “A person residing in a care centre who—takes part in any assault...” of an officer should be subject to imprisonment for one year. Is that what the Minister really wants?

Hon. Member: That is the law.

Hon. M. Ramsaran: Well, that is the law, and as I said before, even before these laws came into place, I know—because I had done a lot of work as far as vagrants are concerned—there are laws in our statutes at this time that deal with people who are vagrants and who commit certain acts, and they will be dealt with as anybody else, according to the law. Well, as I said, when we reach the committee stage, the Member could say it and we are a very accommodating Government. In the earlier Bill, we listened to the Member and will do that again. Once something is for the betterment of the people of Trinidad and Tobago—even if it comes from the Member for Diego Martin East—we will accept it. So there should be no problem. *[Interruption]*

Mr. Imbert: Harsh and cruel.

Hon. M. Ramsaran: Mr. Speaker, the Member for Diego Martin East just mentioned the words, harsh and cruel. We are looking at a piece of legislation that would deal with socially displaced people and here we have words such as: hold people hostage, harsh and cruel. Mr. Speaker, there is no such thing. This Government and officers who work, especially, in this unit of my ministry, will be very, very, disappointed to hear such words coming across for this Bill. I am sure

that all the officers had in mind was to deal with the vagrancy problem. We admit that the Government has to be tough. We are dealing with people who could murder you and we should be tough. *[Interruption]* No, no, not at all.

The Member for Diego Martin East, as I have assured you before, legal aid is well and alive and our vagrants, if they want legal representation could apply as anyone else. One should remember that legal aid is for people who are inclined to be socially displaced at the lower end of the scale. They could apply and they will be given the lawyers to represent them. *[Interruption]* I heard the Member for Diego Martin East mention vagrants with stress *[Laughter]* I am sure you get the drift of it—harsh and cruel. Who causes stress? How does it happen? It is a way of life as the Member for Laventille East/Morvant said. It is the result of years of mismanagement; it is a result of drugs coming into the country. It is a result of all of this.

Mr. Speaker, we are talking about the vagrancy population diminishing over a period of time, and do you know what we have found out? The new vagrants are less and less, but there are vagrants now who have been exported from the United States of America and Canada. We have found 37 on the streets. So, in effect, if one checks the recent set of vagrants coming out for some reason—I am not claiming victory on behalf of all of us but, of course, we have done a lot of work in the area of drug addiction, importation of drugs and harsher measures and so on. Indeed, that could be the cause, as the Member for Laventille East/Morvant said. There must be a holistic view of the whole vagrancy population. If the vagrancy population was growing as it did in 1991 to 1995 and prior to that, then even now we would have to build three or four times the number of buildings to house these vagrants *[Interruption]*—violent reaction, vagrants with stress.

Mr. D. Singh: Most of them in Parliament.

Hon. M. Ramsaran: Mr. Speaker, when we are dealing with clauses 16 to 17, I have a report from the Society of St. Vincent De Paul. I will not read the names of the people but just let me read into the record what happens. I want to assure you and this honourable House that my ministry knows every vagrant in Port of Spain. We know their names; where they came from originally; and where the vagrants sleep in Port of Spain. This Ministry is not taking this matter jokingly—we are taking it seriously. We are dealing with vagrants as human beings and as our brothers and sisters. I quote:

These are 28 names of homeless persons whom I have spoken to on several occasions about coming to the centre and they have agreed to come but never showed up. I spoke to them once more on April 29, 2000 and took their names. One came back to the centre with us and was admitted.

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Mr. Speaker, what this is saying is, there are people on the streets who are vagrants and who do not—I see some interesting names here, Member for Diego Martin East, maybe you should have a read—want to come to the centre.

Hon. Member: Maybe his name is on that list.

Hon. M. Ramsaran: They do not want to come to the centre; they must be taken by force. The court must order their removal from the street. So we need the help of the law; we need the assistance of police and so forth to get these people off the streets because without that assistance we will continue to have this problem. This piece of legislation, the Socially Displaced Persons Bill 1999, would assist us in getting these vagrants off the streets. *[Member rises]*

Mr. Speaker, you see when somebody now wakes up and comes to disturb me—but I will give way nonetheless. *[Laughter]*

Mr. Valley: I just want the Minister to inform the House on what basis would he be taking these people from the streets. It is the same argument, if the Bill is not passed by the required majority. On what basis can a court order an individual to be removed from the street, if the person has committed no offence? On what basis is that court going to make that order if you do not have a Bill with a special majority?

Hon. M. Ramsaran: Mr. Speaker, I want to thank the Member for his contribution. What I am saying is, this Bill is before this House because of necessity and we want to get the vagrants off the streets. The reason we attempted to bring this Bill is to make our job easy. I want to agree with the Member that without this Bill, we will have to look at other areas but the fact is, it is necessary. I have given information as to why we need the passage of this Bill, and when it reaches the committee stage, we will discuss the legal aspect of it. I am sure the Attorney General will answer his questions and share his concerns. Mr. Speaker, like the Member for Diego Martin East, I do not think that I am a lawyer to get into that. I am sure the legal minds on our side will answer the legal part of it.

7.00 p.m.

Mr. Speaker, as we move on, without this Bill we have done quite well, but we have reached a stage where we will need the passage of this Bill to put things into proper perspective.

I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 12 ordered to stand part of the Bill.

Clauses 13 to 18.

Question proposed, That clauses 13 to 18 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, based on certain discussions I had with the Opposition Chief Whip, would you agree to defer clauses 13 to 18, because I propose after to ask for the committee stage of the Bill to be deferred?

Question put and agreed to.

Clauses 13 to 18, by leave, deferred.

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

Clause 23.

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

Mr. Imbert: Mr. Chairman, when I look at clause 23, it appears to me that the minimum period of incarceration is three months. Is that the intention? They are reviewing the case at intervals of three months to assess the suitability for discharge from the centre. If someone is just on the borderline and can be let out of the centre in a month or two months, that person has to stay for three months? Is that what the clause is saying? I would prefer that they review the case. Why intervals of three months? Why not just review at suitable intervals or regular intervals?

Mr. Maharaj: Mr. Chairman, it will be “from time to time”.

Mr. Imbert: I do not want to give the impression that I am just objecting for objecting sake, but having got your agreement that it could be less than three months, it should also not exceed three months.

Mr. Valley: I think it is more than that. We should do what we did with respect to clauses 13 to 18, because really, unless one has the authority so to do, the individual can walk out at any time. “From time to time” suggests that he is really imprisoned indefinitely.

Mr. Maharaj: This is the reason I was going to ask that it be deferred.

Question put and agreed to.

Clause 23, by leave, deferred.

Clauses 24 to 28 ordered to stand part of the Bill.

Clauses 29 to 32.

Question proposed, That clauses 29 to 32 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I ask that these clauses be deferred.

Question put and agreed to.

Clauses 29 to 32, by leave, deferred.

Mr. Valley: Just one other thing, Mr. Chairman, I think somewhere in this Bill we should provide that whenever one is taken in, whether voluntarily or otherwise, in the assessment centre, his next of kin ought to be informed.

Mr. Maharaj: As a matter of fact, one of the matters that has concerned me is when the person is taken off the street, if I may use that expression, and the court makes the order without the rules of natural justice, nobody is informed. I could mention here that I could take your undertaking as a serious undertaking, and if it comes as a specified majority, you will support it.

Mr. Valley: We agree in principle, as long as it is not burdensome on the individual. I am glad you are here now so that we can get legislation correctly.

Mr. Maharaj: It is important to have a process.

Clause 33.

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

Mr. Valley: Mr. Chairman, clause 33, the regulations, ought to be affirmative. Given the nature of this legislation, it should be by affirmative resolution.

Question put and agreed to.

Clause 33, by leave, deferred.

Question proposed, That the committee stage of this Bill be deferred until Friday 12th May, 2000.

Mr. Imbert: Mr. Chairman, may I ask that if they are making amendments that require special majority, could we get them beforehand?

Mr. Maharaj: You will get them by Thursday.

Question put and agreed to.

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Committee stage accordingly deferred.

House resumed.

The Minister of Social and Community Development and Minister of Sport and Youth Affairs (Hon. Manohar Ramsaran): Mr. Speaker, I wish to report that the Socially Displaced Persons Bill was considered at committee stage, and was deferred to Friday 12th May, 2000.

Mr. Speaker: Hon. Members, I wish to advise that the committee stage of the Socially Displaced Persons Bill, 1999 shall be resumed on Friday 12th May, 2000.

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

Order for second reading read.

The Minister of Health (Dr. The Hon. Hamza Rafeeq): Mr. Speaker, I beg to move,

That a Bill to amend the Regional Health Authorities Act, 1994, be now read a second time.

In moving the second reading of this Bill, I seek the leave of this House to debate together the other Bill before this House which relates to this subject of debate which is, a Bill to amend the Regional Health Authorities Act and for matters incidental thereto and connected therewith.

Mr. Speaker: In the absence of any dissenting voice, I take it that the two Bills will be debated together, notwithstanding that we go through the different stages separately.

7.15 p.m.

Hon. H. Rafeeq: Mr. Speaker the purpose of the Regional Health Authorities Bill to amend the Regional Health Authorities Act, 1994 is to effect an automatic transfer of daily-rated employees at the health institutions from the government service to the respective regional health authorities. This is being done while preserving the existing collective agreements between the Chief Personnel Officer and the workers' representatives and also preserving the right of the existing bargaining unit to continue to represent the employees on their transfer to the regional health authorities.

It also preserves and gives credit for previous service with the former employer, in this case, the Government. In other words, this Bill seeks to make each regional health authority the successor employer of Government's daily-rated employees currently working in its health institutions, or within its authority.

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Mr. Speaker, as Members of this honourable House are aware, Government has embarked on a comprehensive Health Sector Reform Programme in pursuit of the general goal of improved health status of the population of Trinidad and Tobago. To this end, the responsibility of health care delivery has been devolved to five regional health authorities created by the Regional Health Authorities Act, No. 5 of 1994. The Ministry of Health has retained responsibility for policy making, monitoring and regulating the health sector.

Prior to the commencement of this Act on December 16, 1994, all public health care facilities were owned by the Government and staffed by public service officers and daily-rated workers. By virtue of section 14(1) however, these health care facilities are now vested in the regional health authorities. The Government is keenly aware that it has a role to play in providing proper health care to the population, but if we wish to fulfil that responsibility in a most cost-effective manner, we must not confuse it with the responsibility of owning and operating the health care facilities. This subtle, but important, distinction between being responsible for the health of the nation and managing the service delivery is at the heart of the Health Sector Reform Programme.

By decentralizing service delivery to regional health authorities while retaining policy making, financing and regulating at the Ministry of Health, the reform programme seeks to enhance efficiency and improve accountability. Decentralization brings decision-making closer to the people in an effort at making the services more responsive to local needs, but decentralization by itself cannot work. We must ensure that there is accountability. To do so, we must also ensure that there is commensurate authority that goes with the responsibility that the regional health authorities are mandated to discharge.

We are aware that the health sector is a labour-intensive sector where there are many different categories of staff. The Government is faced with some vital issues that need to be addressed in the area of human resources in the health sector most notably, the dual track employment system.

The fact that the regional health authorities do not have management control of nearly 75 per cent of staff working in their facilities violates one of the basic tenets of modern management, and this is one of the most serious challenges in the Health Sector Reform Programme.

Cabinet has appointed an inter-ministerial committee to make recommendations to effect the transfer of monthly paid staff to the regional health authorities. The inter-ministerial committee was supported by a consultancy which has submitted

its report which is being considered at this time. In the interim, while we await the resolution of that issue with regard to the public servants, we are addressing the issue of daily-rated employees with this piece of legislation before us today.

Pursuant to section 29(1) of the Regional Health Authorities Act:

“An officer in the public service, who on commencement of this Act was employed in a health care facility may—

- (a) with the approval of the appropriate service commission and the regional health authority in which the health care facility is vested consent to be appointed on transfer to the service of the Authority upon such terms and conditions as are acceptable to him or his trade union and the Authority;
- (b) with the approval of the appropriate service commission consent to be seconded to the service of an authority;
- (c) remain in the public service.”

Further, Mr. Speaker, sections 31 and 32 provide that:

“...employees from an Authority who have been transferred from the public service shall, for the purpose of collective bargaining, continue to be represented by the relevant association that formerly represented them.

32. Any agreement applicable to former officers in the public service or a statutory authority shall be valid and binding on the relevant representative association and the Authority and shall be deemed registered under the Industrial Relations Act.”

Moreover, section 33 provides for the continuation of collective agreements and other agreements that prior to the Act affected employees of the public service or statutory authority. Therefore, as can be seen, Act No. 5 of 1994 treats with public officers in a comprehensive manner.

However, it failed to address the issues related to daily-rated workers employed by Government and who work in the health care facilities. Accordingly, pursuant to the Industrial Relations Act, the Ministry of Health and the Regional Health Authority continue to recognize the Chief Personnel Officer as the employer of the daily-rated workers and the National Union of Government and Federated workers as the recognized majority union.

In an effort to address this anomaly, the Ministry of Health, the Chief Personnel Officer and the representative union have, through dialogue, agreed that

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it is in everyone's interest to make the RHAs the employers of the daily-rated workers working within the authorities. Accordingly, clause 3 of this Bill seeks to, *inter alia*, recognize all collective agreements and registered memorandum of agreement within the meaning assigned to such agreement and memorandum under the Industrial Relations Act in existence prior to January 1, 2000 to which the Chief Personnel Officer was a party in relation to such workers.

Further, clause 3 provides that for the purposes of such agreement and for all other purposes related to the Industrial Relations Act, each authority is deemed to be the successor employer to the Chief Personnel Officer effective January 1, 2000.

Mr. Speaker, the principle governing successorship in industrial relations are:

1. The new employer must carry on substantially the same operations as the previous employer.
2. The operation of business must be carried on in substantially the same way.
3. The employees must substantially be the same.

When these three conditions are met, or obtained in the succeeding business, the new employer would be the successor employer.

In the case of the *Shipping Association of Trinidad vs. the Seamen and Waterfront Workers Trade Union Trade*, Dispute 20 of 1969, the court said under the industrial relations principle of successorship, a new employer who carries on substantially the same business in substantially the same way with substantially the same employees, must grant these employees terms and conditions of employment no less favourable than those previously enjoyed, with credit for previous service with the former employer so that the assessment of any benefits dependent upon length of service would take into account the previous service.

Accordingly, workers would in no way be disadvantaged, or be in a less favourable position. Further, the regional health authorities would be in a far better position to implement their mandate since they would now have control of and the benefit of the expertise and experience acquired by the workers' previous service as well as the advantage of established agreements and relationships in a settled working environment.

At present, there are about 1200 daily-rated employees: mechanics, painters, labourers, carpenters and so forth working in the health institutions operated by the regional health authorities.

This Bill, when passed and becomes law, will in effect transfer these employees to the respective health authority. However, I must point out that all past service of the employees will be recognized for the purpose of gratuity and any other benefits that may accrue to the employee. In fact, the collective agreement which exists at present will be honoured and the bargaining body that represents them, in this case, the National Union of Government and Federated Workers will be recognized by the regional health authority.

The point is that workers will in no way be disadvantaged by the transfer to the regional health authority. This is one small but significant step in resolving the undesirable situation of dual-track employment in the health sector.

Mr. Speaker, with regard to the Regional Health Authorities (No. 2) Bill before this House, Government seeks to make consequential amendments to the Regional Health Authorities Act which became necessary pursuant to the laying of an order under section 3 of the said Act. As you will recall, the RHA amendment to the First Schedule Order 2000 was laid before this honourable House on March 24, 2000. This order effectively dissolved the Central Regional Health Authority thereby reducing the number of regional health authorities in Trinidad and Tobago from five to four. This order was subject to negative resolution of Parliament and accordingly laid before both Houses.

Mr. Speaker, subsequent to the passing of the period whereby the said order could have been challenged and annulled, it has now become necessary to introduce these consequential amendments.

In 1995 when we came into office, the Health Sector Reform Programme was already in an advanced stage of preparation, and implementation of some aspects had begun. One aspect that had already been implemented was the creation of five regional health authorities; four in Trinidad and one in Tobago. The boundaries of the RHAs were coterminus with the boundaries of the regional and municipal corporations.

Mr. Speaker, we decided after a review of the programme to go along with most of it and make the necessary changes as we deemed necessary along the way. One of the key elements of the reform programme is the rationalization of services in order to make the best use of the resources in the sector. Pivotal to this whole arrangement, is the Eric Williams Medical Sciences Complex. The complex, as you are aware, falls within the Central Regional Health Authority.

Even though broad policy guidelines had been put in place within the context of the National Health Services Plan, it was difficult to achieve the desired

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rationalization with the existing arrangements. There was some duplicating of services even though there were two hospitals within ten minutes of each other, that is the Port of Spain General Hospital and the Eric Williams Medical Sciences Complex. Then there was the case of some under-utilization of staff at Mount Hope where the patient load was far less than that of the Port of Spain Hospital. With the existing arrangement of being under two RHAs, it was difficult to move around the staff of these two hospitals.

After careful consideration, it was decided that the rationalization process would be far simpler and more effective if both Mount Hope Hospital and Port of Spain General Hospital were to come under one umbrella and, therefore, in the same region. This would allow for the better utilization of the facilities at both institutions, as well as the human resources attached to these institutions. It was therefore decided to incorporate the central region within the existing North/West and South/West to achieve this objective.

This was done in accordance with the provisions of the Regional Health Authorities Act and the order was laid in Parliament some time ago, as I mentioned. The areas covered by the Chaguanas Regional Corporation, the Tunapuna/Piarco Regional Corporation and the Arima Borough Corporation have been incorporated into the North/West region and the areas covered by the Couva/Tabaquite/Talparo Regional Corporation, have been incorporated into the South/West region.

Mr. Speaker, although the Regional Health Authorities Act makes provisions for the transfer of certain assets of a regional health authority, mainly properties, it makes no provision for dealing with other assets and no provision for dealing with the liabilities of the former region. This Bill seeks to make these provisions in respect of the former Central Regional Health Authority.

As such, this Bill seeks to make provisions for the vesting in the state of all property, assets, rights and advantages formerly vested in the Central Regional Health Authority. Furthermore, it seeks to impose on the state all the liabilities and obligations that the former Central Regional Health Authority was subject to immediately before the appointed day, that is April 4, 2000.

It must be noted that clause 3(a)(5) makes provision for the Minister of Health by order to transfer such interests, rights, advantages, liabilities and obligations from the state to any of the four regional health authorities.

Mr. Speaker, as I mentioned, the Regional Health Authorities Act of 1994 created five regional health authorities and the First Schedule in the Act refers to

the number of RHAs and its boundaries. The Third Schedule refers to the properties vested in the regional health authorities. Section 3, subsection (3) of the Regional Health Authorities Act, empowers the Minister to amend the First Schedule and outlines the procedure by which this is done. This means that the Minister, following the procedure, may change the number of regional health authorities, or alter the boundaries of existing regional health authorities.

7.30 p.m.

Section 14(2) gives the Minister the power to amend the Third Schedule. The effect of this is that the Minister, again, following the procedure may vest the properties listed in Schedule III in different regional health authorities. The effect of these two sections is that the number of regions may be altered, which, as I mentioned before, has been done and the properties within these new boundaries may be reassigned or vested appropriately. However, there are other properties that the regional health authorities may own, for example, equipment, vehicles, funds and so on, and the Act is, at present, silent, and makes no provision for the reassignment of these properties and assets.

The former authority, if it has been dissolved as the CRHA has been, may have debts owing to it, and again, at present, the Act makes no provision for the assignment of these debts. Secondly, the regional health authority which has been dissolved, may have liabilities and obligations; such as outstanding bills; they may have entered into contracts for goods and services. The Act makes no provision for the transfer of these liabilities and obligations from the former authority to any other authority.

Thirdly, before an authority has been dissolved it may have been a party to legal proceedings initiated by the authority itself, or against the authority. When the authority is dissolved the Act does not provide any measure by which these legal proceedings may be reassigned to any other body.

This amendment seeks to address this deficiency by vesting all assets, obligations and liabilities as at a certain date, in the state, in relation to the Central Regional Health Authority (CRHA), which has been dissolved. Subsequent to that, the Minister is empowered to vest these liabilities and assets of the former regional health authority to any other authority. What this means is that the lands and other properties owned by the Central Regional Health Authority will, by passage of this Bill, be vested in the state. The Minister may then vest by order, the lands and other properties in the South-West and North-West Regional Health Authorities. Rights, privileges and liabilities of the former Central Regional

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Health Authority would also be conferred on the state and subsequently, may, by order, be transferred to the appropriate regional health authority. In the case of legal proceedings, the state would automatically become a party to the proceedings instead of the Central Regional Health Authority.

Mr. Speaker, as mentioned, these amendments became necessary because of the dissolution of the Central Regional Health Authority recently. While we have had discussions with the major creditors of the Central Regional Health Authority we need to have a legal instrument to protect the rights of the Central Regional Health Authority, as well as the rights of the creditors and others who have contractual arrangements with the former CRHA. This Bill, therefore, seeks to correct this by putting the legal mechanisms in place.

Mr. Speaker, I beg to move.

Mr. Speaker: Hon. Members, I shall now propose the question for debate. The question is, that a Bill entitled, An Act to amend the Regional Health Authorities Act and for matters incidental thereto and connected therewith, be read a second time.

Dr. The Hon. H. Rafeeq: Mr. Speaker, I am sorry, but it is the other Bill that we were dealing with first.

Mr. Speaker: Thank you. That could be done at the same time as an Act to amend the Regional Health Authorities Act, 1994. So the Bill that we are actually doing first is, an Act to amend the Regional Health Authorities Act, 1994. Members would be free to speak at the same time on an Act to amend the Regional Health Authorities Act and for matters incidental thereto and connected therewith. Just for the sake of the record, I will put the question again. The question hon. Members, therefore, that a Bill entitled, An Act to amend the Regional Health Authorities Act, 1994, be now read a second time.

Question proposed.

Mr. Martin Joseph (*St. Ann's East*): Thank you very much, Mr. Speaker, I am pleased to participate in this debate on these two pieces of legislation: an Act to amend the Regional Health Authorities Act and for matters incidental thereto and connected therewith; and an Act to amend the Regional Health Authorities Act, 1994. Permit me, Mr. Speaker, since I have the liberty to decide how best to deal with them, I will deal with the second one first, that is the one the Minister just dealt with: the vesting of the powers and rights and property of the former authority which is the Central Regional Health Authority.

I listened, with interest, to the justification and rationalization that the Minister presented to us to justify the removal of the Central Regional Health Authority and the moving from five regional health authorities to four regional health authorities. He has indicated that the key in this whole rationalization is the question of the Eric Williams Medical Sciences Complex, and the fact that it was located in the Central Regional Health Authority, and it created some sort of a difficulty in terms of the management of the health sector given the limited resources.

I am pleased to hear some of the rationale, and he has given this honourable House some information with respect to where some of the assets of the Central Regional Health Authority are going to be allocated. That would have been one of the concerns. He said some would be going to the North-west and South-west Regional Health Authorities. What we would be interested in finding out is, precisely, what of the current existing assets would be going to where? The Minister has spent a lot of time dealing with some of the liabilities that the Central Regional Health Authority may have to deal with. I am more concerned with the extent to which this rationalization is going to make for better management and control of the nation's health resources, both in physical and financial terms.

I would hope that the Minister—and I can expect that given the kind of gentleman that he is, he would adequately respond to those concerns. And I will tell you why. There is a view out there in the health community that we, as parliamentarians, need to be aware, and I am sure the Minister may be aware of it. The impression is given that there is a very powerful chairman of a particular regional health authority who is using some of his muscle and influence to ensure that developments are taking place in the health sector.

There is a belief that he is responsible for bringing about the closure of the Central Regional Health Authority. I do not know if that person should be given the impression that he has that amount of influence and control, but I am saying that there is a point of view—and I will tell you why it is relevant—in terms of a recent development that took place. We are aware that they have just commissioned 10 ICU beds at the Port of Spain General Hospital—the Minister could correct me if my understanding is wrong—that brings into the region 30 ICU beds. I understand that for the region it is a lot, and as a result there may be an oversupply.

Again, Mr. Minister, there are 20 now at the Eric Williams Medical Sciences Complex. That, I understand is, in itself, more than sufficient for the population of the region. I also understand that the number of personnel required to maintain

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that 20 ICU beds is huge. There is a viewpoint that the 10 additional ones that came to Port of Spain were not necessary, but perhaps the justification the Minister used was that there was a problem with respect to Port of Spain utilizing Mount Hope's 20 units. But if we are going to rationalize, was there then a need for the additional 10? If they are saying that those 10 additional units were not necessary, that is another matter I would like the Minister to respond to.

My understanding is that prior to what we are discussing now there were some tensions between Port of Spain and the Eric Williams Medical Sciences Complex. If the intention was to rationalize, was it then still necessary to put additional resources in Port of Spain, especially as it relates to the ICU and the fact that there is an oversupply of those facilities, in light of, as I said, the question of the population, and the demand; the number of nurses that are now going to be required; and the number of doctors *et cetera*? The understanding also is that there is going to be encroaching on some of the staff that would have been at the Central Regional Health Authority coming across to the North-West Regional Health Authority.

7.40 p.m.

So I think for our own sakes we need to be clear that the arguments and the justifications that you have put to this honourable House, as they relate to the rationalization and the reduction in the number of regional health authorities, are in fact some of the things that you are saying and not that there is the question of the muscling, and that is not unique to hear.

My understanding is that take, for example, in Miami, in order to avoid individual hospitals or hospital facilities from adding additional facilities, there is a committee established to make sure that there is justification for the improvement because they say there is a natural tendency for hospitals to, I guess, grow, for want of a better word. One can, I guess, expect the same thing with respect to the regional health authorities and there is a belief that the North-West Regional Health Authority is really using some of its muscle. So that, Mr. Speaker, I would hope that the Minister would respond.

In terms of the second Bill, again we understand what the intention is, the question of how the Minister referred to it as, the successor, since, in the approach to dealing with monthly-paid workers as they go into the regional health authority, such measures and mechanisms are not in place as they relate to the daily-paid workers. Again, I am glad that the Minister has given detailed explanation as to why and what is the intention because, prior to listening to him,

my concern was, should we really be legislating in terms of ensuring that there is just one union representing employees?

I was also wondering whether or not that is setting a bad precedent with respect to the whole issue of collective bargaining and whether or not we are infringing on an individual's right to choose in terms of freedom of association and the right to be represented by any particular union. I was wondering also, is this because we are afraid there is a possibility that employees may want another union to represent them? Is there a concern by NUGFW? So that these are some of the concerns, you see, because I am asking, are we setting a precedent in terms of ensuring?

Does it mean that NUGFW must represent daily-rated employees of these regional corporations into perpetuity? If they are dissatisfied with the union, does this law mean that they cannot do anything? Does it mean that they cannot choose another union to represent them? I would hate to think that we are doing this in order to get the NUGFW support with respect to the regional health authorities. But, again, the Minister gave an adequate explanation. He quoted aspects of the Industrial Relations Act and the whole question about the successorship and all the requirements for successorship.

My concern is, just one simple concern. Does it mean that we are legislating for the existence of a union in perpetuity? Supposing employees are not satisfied with the representation they are getting from the NUGFW, does it mean that they cannot do anything because of this piece of legislation? Having raised these simple concerns, I thank you, Mr. Speaker. [*Desk thumping*]

The Minister of Health (Dr. The Hon. Hamza Rafeeq): [*Desk thumping*] Mr. Speaker, I thank the hon. Members for their contribution. I will go backwards again and I will do the second one first and that is whether there will be one union representing the daily-paid employees in perpetuity. As I said, the Regional Health Authorities Act, when it was passed, dealt with the question of the monthly-paid public servants and left out representation for the daily-paid workers. What we have attempted to do in this piece of legislation is to give that facility as well to the daily-paid workers in that, when they transfer they will have representation by the union that represents them at present.

However, Mr. Speaker, the amendment does say that this is subject to the Industrial Relations Act. So that, any time the workers there decide that they want to be represented by another union, they are free to do so. This section is subject to the Industrial Relations Act. They will have the normal procedure by way of

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court and so on, through the Recognition and Certification Board, and they can change their representation at any time. So that is not an issue to be fearful of. Mr. Speaker, that was the point raised in that Bill.

On the other Bill the Member asked, “Which assets will be going to the south-west region and which assets will be going to the north-west region?” Mr. Speaker, we have about five or six months again to go before the expiration of this fiscal year. As far as the real property is concerned, the properties that are situated within the boundaries of the Couva/Tabaquite/Talparo Regional Corporation will go to the south-west region and the properties that are situated within the Chaguanas Borough Corporation, the Tunapuna/Piarco Regional Corporation and the Arima Borough Corporation will be going to the north-west region, the buildings and the equipment and so on within the buildings. That will be in the first instance. As to how the funds are to be allocated later on, they will be allocated based on the formula that had been used for allocating funds for the regions before that. So that is as far as the assets are concerned.

Mr. Speaker, the Chairman of the North-West Regional Health Authority had nothing to do as far as this decision was concerned. It was a considered decision. We, as I said, in wanting to rationalize the services as best as possible, came up with this formula and I think there is only good that can come out of this.

As far as the intensive care unit beds are concerned—and that is one of the reasons we rationalized—we realized that one region was doing something and another region was doing something else and we needed to bring them together so that we could get the best use of the facilities. However, I still want to say that when you have a 500-bed hospital, it is difficult to manage a hospital like that with three or four intensive care unit beds alone.

One of the reasons the waiting list for surgery is so long in the Port of Spain hospital is because there was a lack of intensive care unit beds and, because of that, many patients had to be ventilated from time to time in the recovery room of the operating theatres and this had the effect of postponing operations and so forth. So having 10 intensive care unit beds in a facility that has 500 beds is not an oversupply. It does require, however, and you are right, a large complement of staff, particularly nurses and so on. As I said, that is what the rationalization process is aimed to achieve.

Mr. Speaker, I thank the Members opposite for their support and I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

PROCEDURAL MOTION

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, thank you very much, and I am indebted to the hon. Minister for giving way.

I beg to move that, notwithstanding the hour, the House continue to sit until the completion of this matter.

Question put and agreed to.

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

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 3 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.

REGIONAL HEALTH AUTHORITIES (AMDT.) BILL

Order for second reading read.

The Minister of Health (Dr. The Hon. Hamza Rafeeq): Mr. Speaker, I beg to move,

That a Bill to amend the Regional Health Authorities Act, 1994 be now read a second time.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

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

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.

7.55 p.m.

ADJOURNMENT

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that the House do now adjourn to Thursday May 11, 2000 at 1.30 p.m.

On Thursday, we shall be doing—not necessarily in the order that I am mentioning—five Bills. I am told that one of the Bills has been absorbed into another, and subject to that, it will be four Bills: Bill No. 7 on the Order Paper, the DNA Bill; No. 8, a Bill to amend the Defence Act; No. 15, the Trinidad and Tobago Civil Aviation Authority Bill; No. 14, a Bill to reform the law with respect to tenure and occupation of small holdings for agricultural purposes and Bill No. 12, the Corporation Bill. If that Bill was absorbed in the Miscellaneous Bill that we did, I would ask leave to withdraw that Bill on the next occasion.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 7.57p.m.