

Leave of Absence

Wednesday, September, 20, 2000

HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2000

The House met at 1.28 p.m.

The Clerk of the House: Hon. Members, in accordance with Standing Order 5(5), I am to advise that the hon. Speaker is unavoidably absent and that the Deputy Speaker shall preside during his absence.

PRAYERS

[MR. DEPUTY SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Deputy Speaker: Hon. Members, leave of absence from today's sitting has been granted to the hon. Speaker, Mr. Hector McClean, from September 20, 2000 to October 1, 2000; Mr. Gordon Draper, MP for Port of Spain North/St. Ann's West until September 29, 2000; and Mr. Razack Ali, Member for Ortoire/Mayaro from September 14, 2000 for 28 days.

PAPERS LAID

1. The Submission of Conventions and Recommendations to the Competent Authority in accordance with Article 19 of the Constitution of the International Labour Organisation. [*The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj)*]
2. The decision of the Government to ratify the Amendment to the Constitution of the ILO which was adopted by the International Labour Conference at the 85th Session in 1997. [*Hon. R. L. Maharaj*]
3. Instruments adopted by the International Labour Conference of the International Labour Organisation at the 86th, 87th and 88th Sessions:
 - (a) Recommendation No. 189 on General Conditions to Stimulate Job Creation in Small and Medium-Sized Enterprises;
 - (b) Convention No. 182 on the Prohibition and Elimination of the Worst Forms of Child Labour;
 - (c) Recommendation No. 190 on the Prohibition and Elimination of the Worst Forms of Child Labour;
 - (d) Convention No. 183 on the Revision of the Maternity Protection Convention (Revised) 1952; and

- (e) Recommendation No. 191 on the Revision of the Maternity Protection Recommendation 1952. [*Hon. R. L. Maharaj*]

4. Second and Third Periodic Report of the Republic of Trinidad and Tobago—International Covenant on Economic, Social and Cultural Rights, September 2000. [*Hon. R. L. Maharaj*]

**INTERNATIONAL COVENANT ON ECONOMIC,
SOCIAL AND CULTURAL RIGHTS**

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Deputy Speaker, I have just laid on the table the Second and Third Periodic Reports prepared by the Government of the Republic of Trinidad and Tobago concerning its compliance with the International Covenant on Economic, Social and Cultural Rights. These reports should have been submitted by the Republic of Trinidad and Tobago to the United Nations by June 30, 1993 and June 30, 1998 respectively. Both outstanding reports have been combined into one report, prepared in accordance with the reporting guidelines published by the United Nations Centre for Human Rights. The report has been approved by Cabinet and submitted to the Secretary General of the United Nations.

Mr. Deputy Speaker, the last report from Trinidad and Tobago under the International Covenant on Economic, Social and Cultural Rights was submitted in February 1988. The next report is due on June 30, 2003. The International Covenant on Economic, Social and Cultural Rights was adopted by the General Assembly of the United Nations in December 1966. It entered into force on September 3, 1976. The Republic of Trinidad and Tobago ratified a covenant on December 7, 1978. The covenant is a twin sibling of the International Covenant on Civil and Political Rights. Each of the covenants elaborates on some of the rights contained in the universal declaration of human rights and there is some overlap in content between the two. The preamble to the Covenant on Economic, Social and Cultural Rights recognizes that the human rights ideal can only be achieved, and I quote:

“...if conditions are created whereby everyone may enjoy his economic, social and cultural rights as well as his civil and political rights.”

Thus the two covenants, Mr. Deputy Speaker, complement each other and cannot be viewed in isolation.

Turning to the specific rights mentioned under the International Covenant on Economic, Social and Cultural Rights, many of those rights are mirrored in the

Constitution of the Republic of Trinidad and Tobago. Others are protected by specific legislation and these rights so protected include: the equality of men and women before the law in respect of the enjoyment of all human rights; the right to work; the right to join and form trade unions; the right to social security; the right to the protection of the family; the right to adequate food; the right to adequate housing; the right to health; the right to education and the right to culture.

When the covenant was originally drafted, it was envisaged that the rights contained therein would not be implemented immediately for all states but rather introduced progressively as the economic and other circumstances of the state party so allowed. These reports submitted by a government should therefore demonstrate, Mr. Deputy Speaker, the continuous development and progressive protection of the rights contained in the covenant. This report of the Government of Trinidad and Tobago amply illustrates the positive steps taken by this Government over the past five years to enhance and improve the rights set out in the covenant. It is a testament to the work of all the ministries of Government in striving to ensure that the economic, social and cultural rights of the people of Trinidad and Tobago are not only protected under our Constitution and laws but also enjoyed in their daily lives.

Some of these measures which will be found outlined in the report, Mr. Deputy Speaker, include: in respect of equality of treatment between men and women, we have included the fact of the Domestic Violence Act, 1999 which was enacted with the aim of ensuring a prompt and equitable legal remedy for victims of domestic violence. We have also included the Legal Aid and Advice (Amdt.) Act, 1999 which amended the existing legal aid scheme to allow more persons to qualify for the grant of legal aid and, importantly, where a person desires legal aid as a matter of urgency in respect of proceedings relating to domestic violence, the Director of the Legal Aid Authority now has the power to issue an emergency legal aid certificate and enable them to get prompt representation.

In respect of the right to work, Mr. Deputy Speaker, the Government polity has ensured the creation of an environment which has impacted favourably on the economic growth and the development of the country and has been reflected in a lowering of the overall employment rates. Initiatives, such as the national employment service, the national human resource management information system, the youth training and employment partnership programme and the Metal Industries Company training and development programme have been implemented to provide technical and vocational guidance and training for citizens. This provision of remedial education, practical experience, hands-on

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activities and competence building in respect of relevant knowledge skills, attitude and habits, ensures that all citizens are given an opportunity to reap the benefits accruing from economic growth.

In respect of the right to just and favourable conditions of work, Mr. Deputy Speaker, the National Minimum Wage Order was introduced to establish a single-economy, wide-enough-wage that covers all workers in Trinidad and Tobago. Attempts were also made, through the Occupational Safety and Health (No. 2) Bill, to replace outdated legislation concerning occupational health and safety provisions prescribed through the Factories Ordinance of 1948 and the Employment of Women (Night Work) Act of 1939 with new safety and health standards applicable to all persons at work, and not just those employed in factories, on par with international standards.

In respect of the right to the protection and assistance of the family, the Government has prepared a legislative package aimed at addressing the major shortcomings with respect to the assistance available to vulnerable children. We included the Children's Authority Bill which seeks to establish an authority which is to act as a guardian of the children of Trinidad and Tobago. We also mentioned the Adoption of Children Bill which will repeal the existing law relating to the adoption of children and reform adoption procedures so as to give effect to the recommendations submitted by various interest groups in the field.

We also included the Children's Community Residences, Foster Homes and Nurseries Bill which seeks to make provision for the monitoring, licensing and regulating of children's homes, rehabilitation centres, foster homes and nurseries. The Bill introduces a concept of a formalized foster care system and will set out the application procedure for prospective foster parents. We included the Miscellaneous Provisions (Children) Bill which will repeal the Corporal Punishment (Offenders Not Over Sixteen) Act, 1941, and the Children (Amdt.) Bill which will increase the upper age limit of a child from 14 to 18 years.

Other measures aimed at the family include the Maternity Protection Act of 1998 which was implemented to prevent discrimination against women by employers on the grounds of pregnancy. The Cohabital Relationships Act of 1998 was also implemented in recognition of the high incidence of common-law unions and the rights of common-law spouses. Common-law spouses who have been living in a cohabital relationship for not less than five years or who have a child arising out of that relationship now have the right to make an application to the High Court for maintenance on property adjustment. In 1999, in

recognition of the growing numbers of persons of the Orisa faith, an Orisa Marriage Act was enacted giving effect to the right to enter into marriage, establish a family, the right to culture and the right to religion.

Mr. Deputy Speaker, the senior citizens in our society have not been overlooked. The Government has increased, on four separate occasions within the last five years, old age pensions to ensure that pensioners live above the established poverty line. Other initiatives implemented concerning elderly members of our society have included a geriatric/adolescence partnership programme where youths are trained and then employed to care for the elderly. The training has been offered to caregivers of the elderly on an annual basis and currently attempts are being made to develop a policy for older persons to ensure respect for their rights and to ensure their quality of life.

Included in this report also, in respect of the right to adequate housing, the Government implemented the State Lands Act, reforms which protect certain squatters from ejection from state lands, and facilitates the acquisition of leasehold titles by squatters and of tenants in designated areas and it provides for the establishment of land settlement areas. It will also be seen from the report that the Government developed and implemented, through its project execution unit, the Sugar Industry Labour Welfare Committee and the National Housing Authority a number of initiatives to assist low-income persons who are seeking shelter, including subsidies, mortgage financing and technical advice and assistance.

Mr. Deputy Speaker, the Socially Displaced Persons Bill was introduced to make provision for the voluntary and involuntary admission of socially displaced persons into assessment centres; the establishment and control of assessment and care centres so as to provide medical and psychiatric care after assessment and evaluation, and the discharge of socially displaced persons from the care centres into the care of relatives or friends who can give a serious undertaking to support and care for such individuals. With respect to the provision of accommodation and quality care for senior citizens, the Homes for Older Persons Bill seeks to address all of the current problems existing in respect of licensing, control and regulation of homes for the elderly and the establishment of standards of care.

Mr. Deputy Speaker, in this report also, in respect of the right to the highest attainable standard of physical and mental health, the Government has drafted a charter of patients rights and obligations. These include impartial and equal access to treatment; the right to privacy with respect to medical information; freedom

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from abuse; the right not to be subjected to any procedure without voluntary and informed consent; the right to refuse treatment and the right to manifestation of one's cultural and religious expressions whilst admitted. A Human Tissue Transplant Bill has been drafted to make provision for the removal of human tissue for transplantation and blood for transfusion. It seeks to provide strict guidance and supervision in respect of such matters.

In respect of the right to education, secondary education was not accessible to all. The abolition of the Common Entrance Examination and school-building programme currently under way will fulfil the Government's commitment to make secondary education accessible to all students by the year 2001. Currently there are initiatives under way which include the construction of 60 primary schools and 12 secondary schools, the implementation of school improvement plans in 150 schools, and the funding of textbooks valued at TT \$9 million. The right to education also extends to tertiary level education. All students who hold appropriate qualification must be given the opportunity to pursue professional training for the career of their choice. In this respect the Government is committed to ending the injustice which now exists in respect of nationals of Trinidad and Tobago seeking admission to the Hugh Wooding Law School.

It will be apparent, therefore, from the reading of this report, Mr. Deputy Speaker, that much has been done in recent years to realize and to give full effect to the rights contained in the covenant. The Cabinet also agreed to the establishment of a human rights unit within the Ministry of the Attorney General with the task of preparing the reports due under the human rights treaties to which Trinidad and Tobago is a state party. A total of 11 reports were outstanding in respect of the five human rights instruments ratified by Trinidad and Tobago. The combined Third and Fourth Periodic Report under the International Covenant on Civil and Political Rights has already been laid in Parliament and submitted to the United Nations.

This report I am laying before Parliament today, the combined Second and Third Periodic Report under the International Covenant on Economic, Social and Cultural Rights has also been submitted to the United Nations.

1.45 p.m.

Mr. Deputy Speaker, on Friday I propose to lay in Parliament the combined Eleventh, Twelfth, Thirteenth, and Fourteenth Periodic Report of Trinidad and Tobago under the International Convention on the Elimination of all Forms of Racial Discrimination. The Human Rights Unit is now proceeding with the

completion of the two other outstanding reports. These are the initial Second and Third Periodic Reports due under the Convention on the Elimination of all Forms of Discrimination Against Women, which were due on February 11, 1991, February 11, 1995 and February 11, 1999 respectfully, and the Second Periodic Report due under the Convention on the Rights of the Child which was due on January 3, 1999.

Mr. Deputy Speaker, we are endeavouring to complete these reports so that they may be approved by Cabinet and laid during the current Parliament. If we do that, we in this country, the Republic of Trinidad and Tobago will then join Finland as the only two member states' of the international community to be completely up-to-date in respect of the reporting obligations under the five main International Human Rights Instrument.

Mr. Deputy Speaker, under the International Human Rights Instrument, the relevant United Nations committee will consider these reports submitted by the state parties at a public hearing. The public hearing to consider the Third and Fourth Periodic Report on the Republic of Trinidad and Tobago, under the International Covenant on Civil and Political Rights will take place before the United Nations Human Rights Committee in Geneva from 16—17 October 2000. This report under the International Covenant on Economic, Social and Cultural Rights will be circulated to non governmental organizations (NGOs) and will be made available in public libraries and circulated to schools. The Human Rights Unit of the Ministry welcomes feedback from the NGOs and the public on the contents of the report.

Mr. Deputy Speaker, thank you.

COMPUTER MISUSE BILL

Bill to prohibit any unauthorised access, use or interference with a computer and for other related matters. [*The Attorney General and Minister of Legal Affairs*]; read the first time.

ELECTRONIC TRANSFER OF FUNDS CRIME BILL

Bill to regulate the transfer of money by an electronic terminal by use of a card for the purpose of instructing or authorising a financial institution to debit or credit a cardholder's account when anything of value is purchased and for other related purposes. [*The Attorney General and Minister of Legal Affairs*]; read the first time.

ARRANGEMENT OF BUSINESS

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Deputy Speaker, under Standing Order 64(7), I beg to move that this House do now resolve itself into committee for the purpose of considering proposals for matters relating to the 1999/2000 accounts.

1.49 p.m.: *House resolved itself into Finance Committee.*

1.59 p.m.: *House resumed.*

The Minister of Tobago Affairs and Minister in the Ministry of Finance (Dr. The Hon. Morgan Job): Mr. Deputy Speaker, I wish to advise that the Finance Committee has met and considered matters related to the 1999/2000 accounts. The Report of the Finance Committee will be prepared for presentation to this House on Friday, September 22, 2000.

ARRANGEMENT OF BUSINESS

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Deputy Speaker, the way the Government proposes to treat the Order Paper this afternoon is to facilitate the Minister of Housing and Settlements to do his Land Acquisition Motion first, then we will go to "Bills Second Reading" and, depending on what happens, we will come back to Motion No. 1.

Agreed to.

LAND ACQUISITION

The Minister of Housing and Settlements (Hon. John Humphrey): Mr. Deputy Speaker, I beg to move that this honourable House approve the decision of the President to acquire a parcel of land comprising 319.4 square metres, more or less, situated on Auchenskeoch/Buccoo Road in the ward of Tobago in the parish of St. Patrick and said to belong to Alston Thomas. The acquisition is at the request of the Minister of Works and Transport. Proceedings for the acquisition of the said parcel of land were initiated on October 1, 1981 when a notice of intended acquisition was published under section 3 of the Land Acquisition Act, and authority to commence work under section 4 was issued on December 2, 1981.

The parcel of land forms part of several strips of land on both sides of the Auchenskeoch/Buccoo Road comprising approximately 9.09 acres and has only recently been surveyed. The development of the Auchenskeoch/Buccoo Road has

greatly facilitated access into and out of Buccoo and its environs and has promoted a sense of safety amongst the motoring public.

The procedure for the acquisition of lands for public purposes is standard and such matters have previously been brought before this honourable House. On this occasion, the process is merely being continued.

I beg to move.

Question proposed.

Mr. Eric Williams (*Port of Spain South*): Mr. Deputy Speaker, we on this side have no problem with the acquisition of state land for legitimate development purposes and, indeed, judging from the date on which this action was initiated, clearly, it is long overdue to come before the House since the road has already been built. We hope that because of this, the individuals ought to be paid. I think we are all generally concerned about the length of time this sort of legislation takes to come before the Parliament and it is certainly in the public interest to be dealt with.

But, Mr. Deputy Speaker, here we are on a Wednesday afternoon, debating this as the first and clearly most important issue after the Finance Committee of the Government and we wonder: Are there not other things that should be engaging our attention? You see, Members on the other side are beginning to murmur already. Even they are bored.

Here we are in a situation where the relations between the central government and the Tobago House of Assembly in particular, and certainly the citizens of Tobago, are strained because of a number of outstanding issues. We are still hearing the Minister of Works and Transport claiming that we will have a relief ferry by the end of October. Today, the residents of Tobago who enjoy driving along the Auchenskeoch/Buccoo Road which was developed by the acquisition of this land—those same residents and citizens in Tobago—want to know where in the budget has the Minister of Finance, Planning and Development put the money so that their legitimate representatives could demonstrate to them that, indeed, not only the relief ferry would be coming, but that the moneys would be prepared for the repairs of the existing *mf Panorama* and the money to purchase a new ferry. Of what use are these statements coming from the Government if they are not backed up in its documents?

Mr. Deputy Speaker, we have a situation which is already on the Order Paper and of which you are aware—because we both are Members of the Public

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Accounts Committee—the ADDA matter, which engaged \$12.2 million of our taxpayers' dollars. That matter is still up in the air and will be debated in this House in due course.

Mr. Deputy Speaker, we have a situation where a pressing issue in Tobago is brought to this House, too, by the hon. Minister of Housing and Settlements; also, the Member for Tobago West has asked a number of questions about it: the question of the lands at Signal Hill. The lands were put on the market by the National Housing Authority for \$5.00 a square foot. The Tobago House of Assembly is charging \$7.00. The Minister has promised action on a number of occasions and yet, still, today, the same citizens of Tobago have to pay \$7.00 per square foot and they seem to have no redress.

The hon. Attorney General, in his statement just a while ago, was talking about how much this Government has done for those who are economically challenged in this country. Mr. Deputy Speaker, whom do you think the lands in Signal Hill are for? They are for the low-income residents of Tobago. We have to wonder about the priorities that this Government has, certainly in the legislation before the House and in its actions and deeds.

Mr. Deputy Speaker, as somebody said, "Deeds, not words, shall speak me", and that is what we are faced with. We have another situation in Tobago with the Ring Bang and Policy Research Development Institute affairs conducted by the Tobago House of Assembly. The citizens of Tobago are seeing before the national agenda development issues in Tobago, because this land was acquired to develop the Auchenskeoch/Buccoo Road in Tobago, which is just down the road from Signal Hill, which is where the lands are—the same citizens. It is a small society. Everybody has to move around.

Here we are, Mr. Deputy Speaker, with the activities of the Tobago House of Assembly in Tobago that are of national concern and what are we debating? We are debating the acquisition of a strip of land which, if you were to put it as a square piece, is approximately 50 by 50 feet—that is about it. What is it? An amount of 319.4 square metres.

We have to ask ourselves: What does this Government consider to be national issues? What are the national issues? Even the Government, as far as I am aware, is now beginning to understand the gravity of the situation as it exists in terms of the development in Tobago. Indeed, as has been happening since we privatized TTPost—at least we gave a contract—things are very efficiently arriving in persons' mailboxes.

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“3. The Auditor General was requested to submit her report on these matters within one month of the receipt of the Minister’s letter.”

She sought to do that.

“4. In pursuance of this request, the Chief Administrator of the Tobago House of Assembly was informed by letter dated February 10, 2000 of the Audit exercises to be conducted and the officers authorized to undertake the exercise.”

This goes on and on. There are some very interesting things. Here it is, we are talking about developing certain parts of Tobago, but one has to ask oneself: who is now accountable in Tobago, when we expend these funds from the national purse? Who ensures that these projects are done optimally or even properly? Who ensures that the public purse and the public trust are safeguarded? One of the reasons we have an Auditor General in Trinidad and Tobago is to do just that. The Auditor General is an independent office.

“5. The Chief Administrator of the THA by letter dated February 14, 2000 refused to comply and stated inter alia that the authority of the Auditor General under Section 9(5) merely requires her to examine a particular expenditure which is included in the appropriation account to see if it is supported by the Authority of the Treasury and that Authority cannot be used for any collateral purpose.”

In paragraph six we see where the Auditor General wrote the Chief Administrator on February 21, and pointed out the legal authority of the Auditor General, including Section 46 of Act THA No. 4 of 1996, to audit the accounts of the THA. One has to wonder whether this road in Tobago, the Auchenskeoch Road, will develop potholes. Who is going to spend money to repair that road? Who is going to ensure that, in fact, any or all of the roads in Tobago are properly maintained? Where are those funds going to come from?

As I understand it, Mr. Deputy Speaker, this Parliament, in its budgeting exercise, allocates a certain amount of funds to the Tobago House of Assembly. I am certain that this Auchenskeoch Road will be on their programme of works, because the last time I travelled on it, there were a few potholes beginning to show. I do not know if that is part of the national road resheeting, Member for Tobago West? Maybe you could help me with that?

Miss Nicholson: Ask the Member for Tobago East.

Mr. E. Williams: But this is in Tobago West. You mean they did not tell you either?

Miss Nicholson: They are not fixing those.

Mr. E. Williams: I thought it was only me that they were not telling when they were fixing roads in my own constituency. *[Interruption]* They are resheeting. *[Interruption]* There are no more roads to be resheeted in St. Joseph.

Mr. Assam: You are nothing like me.

Mr. E. Williams: Mr. Deputy Speaker, we then find out in paragraph 7:

“7. “In view of the fact that there was a focus on the legal authority of the Auditor General...”

This is the first time that I am hearing that the Auditor General’s authority is being questioned.

“...by memorandum dated February 4, 2000 the Auditor General sought the advice of the Attorney General in accordance with Section 10(I)(F) of the Exchequer and Audit Act, Chapter 69:01 as to the:—

‘Correct legal interpretation of Section 46 of the Tobago House of Assembly Act, 1996.’

8. The Solicitor General, by correspondence dated 16th February, 2000 advised as follows:—

‘In light of the foregoing analysis of the relevant statutory provisions, it is submitted that the THA is governed by the Exchequer and Audit Act, and by implication, is governed by the remaining provisions, including the Financial Regulations.

It is further advised that where conflict arises between the THA Rules and the Financial Regulations, the THA Rules take precedence.’

9. The Chief Administrator, in response to the Auditor General, letter of 21st February, 2000 stated inter alia:—

‘It appears from 9(5) of the Exchequer and Audit Act that before you can examine any expenditure pursuant to Section 9(5) of that Act at the request of a Minister, the expenditure must be one included in an appropriation account.’”

In other words he is saying they spent the money without it being properly appropriated.

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“It is not in respect of any expenditure that a Minister may require you to report under Section 9(5), but in respect of a particular type of expenditure.

I shall be grateful...”

Hear the language, Mr. Deputy Speaker:

“I shall be grateful if you can assist me on this particular issue so that I can be satisfied of your authority to embark on a section 9(5) examination.”

Mr. Deputy Speaker, this is the Chief Administrator of the Tobago House of Assembly telling the Auditor General of Trinidad and Tobago, to help him to understand why he must let her examine the books of the THA. That is impertinence Mr. Deputy Speaker.

Can you imagine, we would have passed, in our budget for the development funds in Tobago, funds to fix these roads and a number of other projects in Tobago. If those funds are improperly spent, the Auditor General cannot audit the books of the THA and inform the Parliament. We will go on and acquire lands such as this, for these types of development issues, and still we have no accountability. Clearly something is wrong.

“10. Accordingly, the Auditor General, by memorandum dated 31st March, 2000 sought the advice of the Attorney General to ascertain the legal interpretation of Section 9(5) of the Exchequer and Audit Act Chapter 69:01.”

2.20 p.m.

The Cabinet Note continued:

“A response dated 21st June, 2000 was received from the Solicitor General's whereby the Attorney General advised that:—

‘From the facts provided the following is clear...’

Now, this is the Attorney General, Member for Couva South, who is the legal advisor to the Cabinet, in effect, to the nation:

- “(i) The purpose of the Exchequer and Audit Act Chapter 69:01 is to allow for the auditing of public accounts and the protection and recovery of public property.
- (ii) The accounts of the Tobago House of Assembly are public accounts and are therefore within the purview of the Auditor General and more specifically, the Exchequer and Audit Act which said Act provides for the audit of public accounts.

- (iii) Section 9(5) of the Exchequer and Audit Act encompasses all expenditure and is not restricted to expenditure in an appropriation account. To limit the scope of the section in this way would be to frustrate the purpose and intent of the Act.

As a result, it is advised that the Auditor General properly has the power to examine and audit the expenditure relating to the Ringbang 2000 Concert and the Policy Research Development Institute.”

And I will add, almost any other expenditure of public funds that the Tobago House of Assembly would expend.

In paragraph 12, Mr. Deputy Speaker, it states:

“By letter dated 30th June, 2000 the Auditor General informed the Chief Administrator of the THA of the advice received from the Attorney General on the matter.”

One would have thought that at this point any state organization, if it had not complied by then, as the Member quite rightly said, the Government should step in and take whatever the appropriate actions are, but what are we doing? We are debating the past acquisition of 319.4 square metres of land.

In the face of this, paragraph 13:

“The Chief Administrator by letter dated 7th July, 2000 responded *inter alia* that...”

And this is very telling:

“The Tobago House of Assembly has received the advice of Senior Counsel...”

In other words, they went and got a lawyer to advise them. I want to read this again:

“The Tobago House of Assembly has received the advice of Senior Counsel that under Section 9(5) of the Exchequer and Audit Act the examination which the Auditor General can lawfully undertake is expressly limited ‘to ascertain whether any expenditure included in any appropriation account is supported by the authority of the Treasury.’

Senior Counsel disagrees with the advice of the Attorney General...”

Mr. Deputy Speaker, he is not alone in that, because I understand that the Cabinet also disagreed with his advice with regard to the contract at the airport.

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The Cabinet Note continues:

“Senior Counsel disagrees with the advice of the Attorney General and the Tobago House of Assembly will be guided by the advice of the Senior Counsel in this matter.”

Dr. Mohammed: What does the Auditor General have to do with the acquisition of land?

Mr. E. Williams: I would like to know, what is this Government going to do? Here we are debating; the Government brings before us as its first most important item today, Wednesday afternoon—we would not ordinarily be here. The Member for St. Joseph in the past used to heckle us and say that we should be out hustling for a living, although he may have to be doing that shortly. [*Crosstalk*] Unfortunately, you do not have to do that.

Mr. Assam: Fortunately.

Mr. E. Williams: Here we are, in the face of this important issue, this is of national importance, because this speaks to the constitutional relationship, the arrangements between Trinidad and Tobago, and here we are talking about the acquisition of a small piece of land back in 1981. This is our first and landmark piece of legislation.

Mr. Deputy Speaker, paragraph 14 states:

“The Chief Administrator has not to date provided the assistance and/or the necessary information, explanation and documentation in respect of the accounts of:—

- (i) Ringbang 2000 Concert; and
- (ii) Policy Research Development Institute.”

The Cabinet Note concludes:

“The Minister of Finance, Planning and Development therefore advises and Cabinet is asked to note the unwillingness of the Tobago House of Assembly to comply with the request of the Auditor General to enable Officers to have access to all relevant accounts, records and documents to facilitate an audit of the Ringbang 2000 Concert and the Policy Research Development Institute.”

Here we are, I want to say it again: Wednesday September 20, 1.30 in the afternoon, when Members of the Government should rightly be in their ministries

conducting the affairs of the nation. Members on this side should be doing other things that we ought to be doing in preparation for our regular sitting on Friday. Of course, Parliament could be called at any time, no problem; Parliament is called, here we are.

One would have thought that we are here because of earth-shattering issues.

Mr. Assam: You are wasting time, sit down!

Mr. E. Williams: Especially since the Prime Minister is talking about elections being imminent and he hopes to open that airport—terminal building, not airport, at Piarco.

Mr. Deputy Speaker: Are we talking about the Tobago airport or the Trinidad airport? You lost me a little while there. Let us go back to the Tobago issue of land and so forth.

Mr. E. Williams: Yes, Mr. Deputy Speaker, I am sorry. I thought all of us were up on the developments, because after this airport terminal comes the Tobago airport.

Mr. Sudama: You are anticipating.

Mr. E. Williams: No, the project is the terminal at this airport and then the terminal at the Tobago airport. When we come to that project almost certainly we are going to have to acquire more lands. We are going to have to acquire more lands to build this terminal and to extend the runway, probably. Here we go, who is going to account? Who are we going to bring to book, to account for the expenditure of the state funds when we come to the development of Tobago? Clearly, the Cabinet—the Government of Trinidad and Tobago—is not in control of the expenditures which are taking place in Tobago by the Tobago House of Assembly.

We feel that the relationship between the Central Government and the THA needs to be brought to a position of regularity. We cannot continue this way. We are all keen for the development of both Trinidad and Tobago; to develop Tobago with some of the capital-intensive projects that this and subsequent governments will initiate and, hopefully, bring to fruition. We are going to have to do activities such as this, which is to acquire land; we are going to have to do a number of things. We are going to have to, among other things, pay civil servants' salaries. We are going to have to clear off the large overdraft facility that the THA has run up in the banks in Tobago. Before we move forward on projects such as these

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and, certainly, if we are going to be continuing to acquire lands and develop them in Tobago, we need to have public accountability.

Mr. Deputy Speaker, no problem the land was acquired in 1981, the Auchenskeoch Road was built and it was widened and all of that. The Minister is quite right; the travelling public in Tobago feel a lot safer. I, myself, have driven on the road, as I am sure you have, in your visits to Tobago. It is a very convenient piece of work, but where do we go from here? Certainly, where do we go from here if the Government believes that the most important item we should be discussing is that past acquisition in the face of some very telling and dangerous trends of today?

With those few words, I want to say that we support the passage of this piece of legislation to acquire this road, which was for a very commendable purpose. In fact, it was acquired at a time when the PNM was in government, and it was for a very good reason, but where do we go from here, Mr. Deputy Speaker? *Quo vadis?*

Miss Pamela Nicholson (*Tobago West*): Mr. Deputy Speaker, I would just like to make a brief intervention—

Mr. Sudama: Make it brief.

Miss P. Nicholson: —as the Member for Oropouche would always do when he rises in this House, on the Motion that this House approve the decision of the President to acquire the land described in the Appendix for the public purpose specified.

The lands were, I believe, compulsorily taken in 1981 to do works to extend the Auchenskeoch/Buccoo Road, but it is only today that it is being brought to the House formally. My major concern really has to do with acquisition of lands in Tobago, generally, because what you have is a situation that lands have even been acquired before 1981 and the people have not been paid.

In this very House, I heard the Member for St. Augustine stating that the Government would have addressed the land title problem in Tobago urgently, because this is one of the problems that afflicts Tobago. There are land title problems and this seems to be the reason that people are not paid for the lands acquired. People are dying and the children cannot get the payment for the lands. So, clearly, you have the additional problem of land title.

I would like the Member for St. Augustine to tell us where he is with the land title situation, because he said that an office would have been set up in Tobago to address land acquisition in Tobago and to address the land title problem that pervades Tobago. Administration takes anything, probably, like half a century before you can have it resolved, and it is getting worse and worse. I would like the Member to tell us when Alston Thomas would be getting his money.

I would like to know, because you have another situation of the Claude Noel Highway where several people in the Signal Hill/Lambeau area had their lands acquired for the building of that highway, what we call the Claude Noel Highway, and those people have not been paid up to today. I am very, very concerned with that aspect of the situation. When you take my land you should pay me, and the Government should come up with some policy to address that even though there is a land title problem. There must be some policy to allow the Government to know to whom the lands really belong. If the land is for "A", compensate "A". You cannot have a situation where "A" will die and for decades nobody is compensated.

I am also concerned, just like the Member for Port of Spain South. What power does the Member for St. Augustine have?

2.35 p.m.

What power does the Central Government have? There is a situation in this House where the Member for Couva South has instructed the House that the Minister on behalf of the Cabinet of Trinidad and Tobago has the ultimate responsibility for addressing problems in Tobago. So if they have a problem with the Tobago House of Assembly they can address the problem and to date the Member for St. Augustine cannot address the Signal Hill Land Development Project problem.

I want to know how he can address acquisition problems in Tobago because I have raised several questions in the House about the Signal Hill Land Development Programme where the lands—it is a national project—should not be sold for more than \$5.00 per square foot. The Attorney General says the Government is in charge and the Minister is in charge. I wrote the Minister, I sent copies of that letter to the Attorney General and the Prime Minister of Trinidad and Tobago. Finally, I wrote the Attorney General on the Signal Hill problem where deeds have been given out and are being signed by administrators who the Public Service Commission has informed the Tobago House of Assembly are illegally employed. So we have a complex situation in Tobago.

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A number of issues are coming up and the Government is refusing to act. Why is the Government refusing to act? Because of an election coming up soon. They want to be able to communicate with everybody in Tobago. That is the problem. Why has the Member for St. Augustine, the Minister of Housing and Settlements not addressed the Signal Hill Land Development Project? That was a project for low income people and all the low income people who have paid their \$20,000 and \$25,000 did not get an inch of land, and people who can afford, and not necessarily low income people, lands have been distributed to them. Then, there is, as I said, another problem that these deeds are being signed by an administrator that the Public Service Commission has informed the acting Chief Administrator that those people were illegally employed and they should be sent home and he should communicate with them so they could advertise the position. So the Public Service Commission under the purview of this Government cannot take firm action because if the Chief Administrator is employed by the Public Service Commission, you could send home the man if he is acting against the rules and regulations of the Public Service Commission. You can act, but no action is taking place in Tobago. So I am really concerned with how the Government will deal with acquisition of lands in Tobago.

One, we have a very complex problem re: land titles. The Member for St. Augustine accepted that that is a problem and he would be addressing it urgently. We have had no action. People on the Claude Noel Highway—that was a project which was constructed about two decades ago—up to now those people have not been paid. I am very concerned with what is taking place in Tobago and I think that there is relevance in the points that have been raised by the Member for Port of Spain South because the Tobago House of Assembly is spending money and the Auditor General cannot audit them. The Auditor General's Department—that independent body that has been set up to audit any Government institution in Trinidad and Tobago that spends public funds, when it goes to audit, is being refused access to public funds in the Tobago House of Assembly and is told: "you do not have any relevance here."

What is the bearing of the Constitution of Trinidad and Tobago on the Tobago House of Assembly? The Tobago House of Assembly is saying they are only guided by the Tobago House of Assembly Act and the Attorney General, the Prime Minister—well the Attorney General is to guide the Prime Minister and his Cabinet. He instructs that the Government has the ultimate responsibility based on section 75(1) of the Constitution and he is saying that is from 1997 and the Government is refusing to act to correct Tobago's problems. If you had acted, we

would not have had the problem with Ringbang, we would not have had the problem with ADDA, the \$12.2 million; we would not have had the Signal Hill problem if Government is really playing the role it should play. Is Tobago independent? That is what the Chief Administrator is saying in this document. That is what the Chief Administrator told the Public Accounts Committee. Tobago is apart, and there is no action taken by the Central Government. When lands are acquired we want the people to be compensated.

There is another problem, the Speyside estate. Those lands were asked for in 1992/1996. I think it was 82—84 acres of lands for the Government to acquire and that document came into this House I think in 1997, and the last time I communicated with the Lands and Surveys Division, they said that the payments have not been finally made. That area is also very important Minister of Housing and Settlements, and Minister of Public Administration because you have over 50 people squatting on that piece of land and that is why the Tobago House of Assembly sought the acquisition. It was because of the difficulty for lands in the Speyside area for development. The THA wanted those lands to be acquired so that they could develop the area for housing purposes. I would like to know what is the position of the Speyside Estate, whether the payments have been finally made to the owner. I would like you to tell us that.

My concerns might be a little different but also complementary to the Member for Port of Spain South. My business is why when lands are acquired in Tobago the people are not paid for the acquisition of their lands? Secondly, I am very concerned about when acquisition is compulsorily implemented, especially in areas that are highly developed that the Lands and Surveys Division must not compensate the people as if the lands are agricultural lands when on one side of the road, the lands are being valued and sold for \$20.00 and \$25.00 per square foot and on the other side the state wants to pay agricultural money, \$3.00 and \$4.00 per square foot, and when the people return the cheques, no action is taken by your ministry under which Lands and Surveys falls. That is the Crown Point area to which I am referring and I would like you to answer that question for me.

Thirdly, I would like you, after we have communicated with you fully on the Signal Hill Land Development Project, to tell this House today what action you have taken or what you are doing so the low income people in Tobago who went into the programme with the National Housing Authority could benefit or get back their money. Also those who paid the additional \$2.00, how would they get back their money. I want you as Minister of Housing and Settlements to tell us about that because the project was a national one, the contract was with the

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National Housing Authority then the Tobago House of Assembly steps in and says they have to pay \$2.00 more when state lands belong to the Government of Trinidad and Tobago. The Tobago House of Assembly is just like a holding bay for the Government of Trinidad and Tobago, they are like the facilitator holding the lands for you. I would like the Member for St. Augustine and the Member for Couva South to answer those questions today.

Thank you.

The Minister of Housing and Settlements (Hon. John Humphrey): Mr. Deputy Speaker, it would be interesting if the *Hansard* could have been sent to individuals like Mr. Alston Thomas in Tobago whose 319.4 square metres of land are being acquired.

This acquisition dates back to 1981 when there was a PNM Government in charge. In 1986 there was a change of government and the NAR government was in charge. I was Minister for less than one year before I was fired and the Member for Tobago West inherited my job.

Mr. Sudama: What did she do about it? You were part of the government.
[Cross talk]

Hon. J. Humphrey: Mr. Deputy Speaker, nothing was done. I, too, would like to pay citizens timely compensation for property that they lose, but unfortunately funds are not under my charge as Minister. They are elsewhere. All I can do as Minister is my part which is to come to Parliament because it is the President who must acquire these lands and Parliament must approve it.

When you come to Parliament for a very simple exercise that is long outstanding, you get regaled with all kinds of irrelevance. We talked about the Auditor General auditing the accounts of the Tobago House of Assembly, we talked about the airport in Trinidad and the airport in Tobago; and the relevance of the Auchenskeoch/Buccoo Road to the airport is, that some people might use it to go to the airport, so that is how it is made relevant in the debate.

Mr. Deputy Speaker, in connection with the Signal Hill lands we have heard so much about that. The National Housing Authority sold to people for \$5.00 per square foot, I am advised that every person on the National Housing Authority's list has purchased their lot and paid the Tobago House of Assembly \$7.00 per square foot, and not one of those persons has complained to the Ministry of Housing and Settlements or to the National Housing Authority about the fact that the price of the land has gone up by \$2.00 per square foot.

I have passed the correspondence that I received from the Member for Tobago West to the Attorney General for legal advice because, quite frankly, I do not know exactly what I can do as a Minister of the Central Government with the Tobago House of Assembly Act empowering the Tobago House of Assembly to determine policy and administer housing, state lands, squatting and many other areas of responsibility. I am waiting patiently for legal advice to be able to know what I can or cannot do.

Miss Nicholson: Mr. Minister, why we want you to answer, you told this Parliament and the people of Trinidad and Tobago, re the last set of questions that I asked, that you will be taking action in three weeks' time. It is almost three months and you have not taken action. I asked you what action, if it would be dealing with the \$5.00 per square foot and you said, certainly.

2.50 p.m.

Secondly, the project was a national project and it was the National Housing Authority that collected the finances of the people. So it was a contractual situation with the National Housing Authority, and you have not acted on that.

Thirdly, the people have complained to their representative. Are you saying that I, as a representative, must not raise their question here?

Thank you.

Hon. J. Humphrey: Mr. Deputy Speaker, the Member for Tobago West knows all about that project because it was executed when she was Minister. So the National Housing Authority, in fact, entered into those agreements when the Member for Tobago West was Minister under the NAR Government. That Minister also had a lot to do with bringing into being, the Tobago House of Assembly Act. And that Minister, speaking on behalf of the people of Tobago, wanted Tobago to enjoy a higher degree of autonomy. [*Desk thumping*] So when Tobago exercises its higher degree of autonomy the Member for Tobago West is now raising objection. And I think that matter has to be resolved somehow in Tobago, because in the near future we will be having an election—[*Interruption*]

Hon. Sudama: They want to have their cake and eat it too!

Hon. J. Humphrey:—Where two seats in Tobago, of this Parliament, would be up for consideration, and I would hope that those matters would be put on the campaign agenda for those who are fighting the seats in Tobago.

Quite frankly, Mr. Deputy Speaker, I have done my best. I have consulted with the Tobago House of Assembly who have advised me that all of the people

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who are on the list are the ones who, in fact, are getting title to the land. So no one who was on the original list is being by-passed in favour of anyone else. If, as the Member for Tobago West says, “it is being sold to the well-to-do and not to the poor”, it means that those people who were poor under her time are now well-to-do under our time. *[Interruption]*

Ms. Nicholson: Mr. Deputy Speaker, it is some new people that have paid the \$7.00.

Hon. J. Humphrey: The Member for Port of Spain South was totally irrelevant.

Mr. Deputy Speaker: The Member for Tobago West—

Ms. Nicholson: Mr. Deputy Speaker, I would like to say something.

Mr. Deputy Speaker: No, no, no, you had your chance. The Member has to give way before you say something.

Hon. J. Humphrey: Mr. Deputy Speaker, I will give way.

Ms. Nicholson: Mr. Deputy Speaker, every time the Hon. Member does that I am very disappointed.

Hon. Sudama: We are giving you your last time. *[Laughter]*

Ms. Nicholson: Mr. Deputy Speaker, if you allow the privilege—because it seems as though you have no privilege—to check the records you will recognize that a number of them are new people that were nowhere about there, that went and paid \$7.00 per square ft to get those lots; the poor and the needy, and the low income are left out. He should be very happy to address that because he is the Minister of Lands in this country; settlements in this country, and housing in this country.

Hon. J. Humphrey: Mr. Speaker, it is a very contentious matter because the Tobago House of Assembly Act is quite clear that the Tobago House of Assembly has the responsibility of policy formulation—*[Interruption]* How do you implement that? We have not been able to implement that. I am awaiting advice from the Attorney General. Mr. Speaker, this particular road—the Member for Tobago West was once very closely associated with me in struggling for the welfare of the people of Trinidad and Tobago, and this particular road is actually on the northern boundary of a project that we put together called “New Grain”. And we were able to acquire that land and to put a price for land and for basic

infrastructure—which was being done incrementally—of \$1.30 cents a square ft. And you know, Mr. Deputy Speaker, when you have the power in your own grasp to get these things done, it is no problem.

In those days we were members of the Sou Sou Land Movement and we were very nobly inspired in what we did. We then defied the law; two of us should have been in jail together, but the then Government did not impose the law. I would have been very happy to share my magazine with the hon. Member for Tobago West. *[Laughter]*

Hon. Sudama: And yourself. *[Laughter]*

Hon. J. Humphrey: Mr. Deputy Speaker, the fact is, I could never forget those days of very noble struggle and the relations that I developed personally with colleagues. I still see them as my very, very, close friends and colleagues, and I wish I could, in fact, help the Member for Tobago West in the dilemma that she faces in the domestic politics of Tobago. But I am awaiting the hon. Attorney General's advice on what the Ministry of Housing and Settlements can do in connection with the sale of land that was, in fact, promised to people at \$5.00 per square ft. but which is now attracting \$7.00 per square ft. When I do have the advice of the hon. Attorney General then the Ministry will take action. But my hands are tied; as they were, for six days, on July 27, 1990.

Mr. Deputy Speaker, I beg to move.

Question put and agreed to.

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>1. The parcel of land containing 319.4 square metres more or less, situate on Auchenskeoch/Buccoo Road, Tobago in the Ward of Tobago in the parish of St. Patrick and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated 4th June, 1997 and filed in his office is required for a public purpose.</p> <p style="text-align: center;">SCHEDULE</p> <p>A parcel of land comprising approximately 391.4 square metres situate at the corner of Jan De Mar Trace and Auchenskeoch/Buccoo Road, Tobago in</p>	<p>Development of the Auchenskeoch/Buccoo Road, Tobago</p>

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DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>in the Ward of Tobago in the Parish of St. Patrick, and said to belong now or formerly to Alston Thomas.</p> <p>The parcel is more particularly shown coloured raw sienna on a Survey Plan filed in Book 1140, Folio 211 in the Vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	

BAILIFFS BILL

Order for second reading read.

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

That a Bill entitled, An Act to provide for licensing of bailiffs and for other related matters be now read a second time.

Mr. Deputy Speaker, the purpose of this Bill is a very simple one. It seeks to rationalize the operations of bailiffs by establishing a regulatory framework to govern the licensing of bailiffs in Trinidad and Tobago. The Bill also outlines their functions and duties in an effort to settle clearly once and for all what functions may be carried out by bailiffs. This legislation would serve to put the law with respect to bailiffs on par with the law in other jurisdictions, which have reformed their law to standardize the licensing and operations of bailiffs.

Perhaps I could give to hon. Members a bit about the genesis of this Bill. In 1996, based on complaints which have been received from members of the public concerning the conduct of bailiffs, I requested the Law Commission to conduct an examination of the law governing bailiffs. In consequence of that request the Law Commission authored the Working Paper entitled, "The Law governing the conduct of bailiffs; the case for reform." That Working Paper was made available to the members of the public and was advertised and distributed to the public and comments were received. The analysis undertaken by the Law Commission revealed that the problems in this area stemmed directly from the failure of the law to provide proper regulation and control over the activities of bailiffs. Moreover, the Law Commission concluded that the present law is disjointed,

complex, and creates an environment which allows bailiffs—in particular, private bailiffs—to carry out their functions in an unregulated manner.

The paper recommended the enactment of comprehensive legislation to govern all bailiffs—private and court bailiffs—and it was proposed that legislation should seek to regularize the appointment, and to make provision with respect to their functions and duties. In particular, it was recommended that the proposed legislation should make provision for the establishment of a code of conduct to regulate the bailiffs in the execution of their functions. The establishment of a more realistic schedule of fees for the services rendered by bailiffs; the creation of an offence for operating as a bailiff without licence. The issuance of identification cards to bailiffs and the provision of training for bailiffs to ensure an understanding of their functions and duties within the law.

Mr. Deputy Speaker, Cabinet agreed to the Law Commission's recommendations and this Bill seeks to give life to these recommendations.

3.00 p.m.

Before going on to the provisions of the Bill, there is one point that I think I should clarify. Bailiffs operating within this jurisdiction are governed by two separate pieces of legislation—the Landlord and Tenant Ordinance and the Petty Civil Courts Act. Those bailiffs who are certified under the Landlord and Tenant Ordinance are referred to as certified private bailiffs and are charged with the responsibility of assisting landlords in levying distress for arrears of rent. On the other hand, those bailiffs who find their authority in the Petty Civil Courts Act operate as functionaries of the court, serving documents and assisting in the execution of judgments. They are referred to as court bailiffs and are members of the public service. The result is that there are two categories of bailiffs operating in Trinidad and Tobago and, whilst there are guidelines to define the conduct of court bailiffs who are subject to the authority of the court, there is no similar provision with respect to private bailiffs.

The problem experienced with respect to private bailiffs goes back to the lack of regulation and supervision of their activities. Unfortunately, the lack of control has led to allegations of abuse of power by bailiffs, of which some of our citizens have complained. The newspaper is filled with allegations and contentions as bailiffs have abused and misused their powers and have charged excessive fees. It is in an effort to provide a uniform system with respect to bailiffs and the execution of their functions that this Bill has been brought to Parliament. Bailiffs, whether they find their authority in the Landlord and Tenant Ordinance or the

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Petty Civil Courts Act, will, in future, have to comply with the requirements of the proposed legislation.

If we look at the provisions of the Bill itself clause by clause, clauses 1, 2 and 3 are self-explanatory and clauses 4 to 8 address the registration and licensing of bailiffs. Clause 4 imposes upon the Registrar of the Supreme Court the responsibility of keeping a Register of Bailiffs, which will be accessible to members of the public during working hours. There is to be no cost attached to the inspection of the Register, which would provide a separate listing for public service bailiffs and private bailiffs. All bailiffs would be required to be registered with the Registrar of the Supreme Court and this requirement can be found in clause 5. In order to qualify for registration, a person would have to show he is of good character and he is employed as a bailiff or has been offered some contract of employment as a bailiff.

Clauses 6 and 7 will deal with the issuance of a licence subsequent to registration and with the suspension or cancellation of a licence respectively. Clause 6, Mr. Deputy Speaker, would provide for the issuance of a licence to persons whose names are entered in the Register of Bailiffs upon payment of the prescribed fees and the provision of the necessary security. This licence will facilitate the verification of the identification of persons claiming to be bailiffs. Members of the public would find this very useful. Licenses issued by the Registrar would be valid for two years unless, of course, for some reason they have been suspended or cancelled. In an effort to bring the names of licensed bailiffs to the notice of members of the public, clause 6 imposes an obligation on the Registrar to publish twice a year a list of persons holding valid licences. The list would be published not only in the *Gazette* but also in the newspapers.

The power to grant licences is conferred upon an authority, the Registrar, and there is also a power given to suspend or cancel licences, and this is conferred by clause 7. In respect of the public service bailiffs, the Registrar would exercise that power on the advice of the Public Service Commission. As to free-agent bailiffs, the Registrar would exercise the power, after conducting an inquiry into allegations of misconduct, including incompetence and irresponsibility. Where necessary, the Registrar may suspend the licence of a bailiff pending the outcome of an inquiry. Should a person purport to carry out the functions of a bailiff without the benefit of a valid licence, that person would commit an offence under clause 8 and is punishable on summary conviction by fine and imprisonment.

Clause 9 sets out the functions and duties of bailiffs for the benefit of both bailiffs and members of the public. A bailiff may carry out those functions and only those functions. I would ask hon. Members to note the amendment which has been circulated today in which a distinction is being made with the functions listed, which are to be performed exclusively by a public service bailiff, and other functions listed which shall be performed exclusively by other bailiffs.

In addition, clause 9 imposes several responsibilities on bailiffs to maintain records and to have these records audited annually. Some of the functions of bailiffs would include: the levying of execution in accordance with the judgement of a judge of the Petty Civil Court and, in the case of public service bailiffs, obviously to serve documents; also in respect of levying tenants' goods for arrears of rent and the repossession of goods on hire purchase agreements. The Registrar may require a bailiff to furnish him with a financial statement and this is designed to impose upon the bailiffs a degree of financial propriety.

Mr. Deputy Speaker, it is inevitable that bailiffs gain access to premises, whether private dwellings or business premises, to carry out their functions. There have been complaints that citizens cannot be sure that the person seeking to enter their premises are, in fact, who they claim to be. Well, clause 10 attempts to deal with that by requiring a bailiff to identify himself by showing his licence to the owner or occupier of the premises, and the clause also requires a bailiff to furnish the owner with a form which gives information about the bailiff and the name of the owner or occupier of the premises which the bailiff is visiting. This requirement would be useful as, sometimes, the bailiff may be at the wrong premises and, once that has been pointed out, much embarrassment could be avoided.

I would ask hon. Members to note the proposed amendment in clause 10 which has been circulated. That, together with the signed or certified copy of the document upon which he has authority to perform his function on that occasion. So that there would be an amendment to add to the safeguards.

Mr. Boynes: Would the hon. Member give way just for one short question?

Hon. R. L. Maharaj: Yes.

Mr. Boynes: I just want to find out, in clause 9 subsection (3) if you could explain the rationale behind this, and that is:

“No person shall engage in business as a Bailiff while an employee of or engaging in the business of a debt collection agency.”

I think that is one of the concerns that some of the bailiffs have.

Hon. R. L. Maharaj: Well, I think that has been one of the problems, in that debt-collecting persons have done a lot of damage in our society. One of the things that we will have to consider regulating, and one of the things that the Law Commission is looking at, is debt collecting agencies, because many people have said they were from debt collecting agencies and have actually gone into premises, collected a lot of money and they have fooled a lot of people—from the allegations which have been made. Therefore, we wanted to ensure that bailiffs’ duties would be limited, that a bailiff would be a different kind of person from a debt collector.

Clause 11, Mr. Deputy Speaker, deals with the situation where a bailiff loses or has his licence stolen and this clause empowers the Registrar to issue a temporary licence. Clause 12 provides the mechanism for dealing with complaints against bailiffs. So, Mr. Deputy Speaker, there could be a situation where members of the public could make complaints against bailiffs and the complaints would be made to a judge of the Petty Civil Court. The judge would investigate the complaint and forward his findings to the Public Service Commission in respect of the public service bailiff and to the Registrar in the case of the private bailiff. So there would be a complaint mechanism in order to make sure that the bailiffs would be able to account to the population for the performance of their duties.

Clause 13 is a necessary consequence of clause 12 and would allow a bailiff who is dissatisfied with a decision made under clause 12 to apply for judicial review of the decision of the Registrar. Appeals to the Court of Appeal are also provided. These provisions are necessary to protect the right of the individual. Mr. Deputy Speaker, one of the complaints levied at bailiffs is that they are unaware of their functions and of the manner in which those functions should be performed. That issue is being redressed by clause 14, which would require training programmes.

One would see that in respect of the amendments which have been done, a bailiff, other than a public service bailiff, before being licensed under this Act, shall attend a training programme organized by the Ministry and this is designed to—and it continues in the Bill—so that the bailiff would be able to perform his or her function. May I say, Mr. Deputy Speaker, that we have found this very

helpful with respect to the new orientation for Justices of the Peace in that they actually have to—there is a handbook and they actually have to study that handbook and write an exam. Only after they have passed that exam can they be considered eligible for appointment. Therefore, what we are trying to do is to put some training programme in place, not only before one becomes a private bailiff but also in respect of both private and public service bailiffs—a continuing training programme so that people would know how they have to function.

The final clauses of the Bill, 15 and 16, will provide for the making of regulations and consequential amendments. These clauses empower the President to make regulations prescribing a code of conduct, the maximum fee chargeable and the security to be required from bailiffs. Clause 16 would repeal those sections of the Landlord and Tenant Ordinance which speak to bailiffs, together with bailiff rules made under that Ordinance.

Mr. Vice-President, I think I owe a duty to hon. Members of the House to indicate to them—*[Interruption]*

Mr. G. Singh: Mr. Deputy Speaker.

Hon. R. L. Maharaj: Mr. Deputy Speaker. What did I say?

Mr. G. Singh: Vice-President.

Hon. R. L. Maharaj: I am sorry that I lowered your rank. Mr. Deputy Speaker, I was in the Senate yesterday so I got accustomed to saying “Vice-President”. I do apologize. At least I did not call you “Mr. Speaker”. Mr. Deputy Speaker, on the instructions of the hon. Member for Arouca South, I shall call you “Mr. Speaker”.

Mr. Deputy Speaker, in clause 4(3) there were some amendments which were done in the Senate and the amendments which were done in the Senate were to clause 4(3). These amendments divided the Register of Bailiffs not into two but into three parts. This was to allow a third part to be created to put a photograph and particulars of a bailiff for the purpose of better identification.

In the Senate also, clause 5(1)(a), 5(3)(d) and 5(5) were amended. The amendments sought to differentiate between a public service bailiff and other bailiffs because public service bailiffs are employed and governed by the public service regulations and therefore would not be required to sit an exam. New and existing private service bailiffs would have to sit this exam, pass an interview and undergo training prior to being licensed.

Finally, Mr. Deputy Speaker, it was felt that the publication of the notice of a person's application in only two daily newspapers was extremely restrictive because some people did not buy one or two of the major dailies and, therefore, would not have a chance to comment on the applicant. Therefore it was decided that we should have the amendment to cover all of the daily newspapers.

Clause 10(1) was amended. The original phrase referred to "the occupier of or other responsible person on the premises", but it was accepted in the other place that a person may be on the premises and, in order to dodge the bailiff, say that he is not the responsible person on the premises or he is not authorized to accept any document. This would result in the bailiff never being able to serve the document. Hence it was agreed that, apart from the occupier, who would include the owner of the premises, any other adult person on the premises would suffice.

3.15 p.m.

Mr. Deputy Speaker, clause 14(1) was amended and there was a new subclause (2). The opening umbrella clause of subclause (1) was deleted and a new opening umbrella clause was substituted. This new subclause sought to differentiate between the need for a new and private service bailiff to be trained before being licensed under the Act, and for this requirement not to apply to public service bailiffs as a condition for issuing a licence to them because, as I said, they are governed by the public service regulations.

However, recognizing the need that all bailiffs should be trained on a periodic basis, a new subclause (2) was added which would impose a duty on the ministry to organize training programmes for all bailiffs annually. It was felt that training once every five years was not sufficient because of the rapid changes in the laws, regulations and mode of operations in society in general. It was felt that bailiffs should be up-to-date with the law governing their conduct, and as to whatever changes would be made to the required legislation.

Mr. Deputy Speaker, this is an area of the law which has not been regulated over the years and there have been complaints about it. This law has not been regulated in a sense because there was no legislative framework and the Law Commission considered it, a recommendation was made and there were discussions and comments. It was thought that we should come with this legislation in an effort to improve the service of bailiffs and to provide safeguards for the public and to make the service more friendly oriented.

Mr. Deputy Speaker, I beg to move.

Question proposed.

Mr. Barendra Sinanan (*San Fernando West*): Mr. Deputy Speaker, we on this side have very little difficulty in supporting the Bill. As the hon. Attorney General has indicated it is in keeping with the Bill that dealt with the Justices of the Peace, and this is good legislation. The only thing that surprised me a bit is that I noticed the Attorney General is bringing good legislation in the last months of his office. He said that he had commissioned the report way back in 1996. I am surprised that it took so long for this good piece of legislation to come to the House. I cannot remember the Bill—but it would appear that the Attorney General, recognizing that his days as Attorney General are numbered, is moving post haste to bring good legislation to the House.

Mr. Deputy Speaker, in the public domain, there are two words that most Trinidadians are afraid of sometimes when they hear them. One is “police” and the other is “bailiff”. When a Trinidadian is confronted by a police officer—whether it is a white collar criminal or an ordinary criminal—and you only mention the word “police” people tend to get scared and the same thing with the word “bailiff”. When you mention the word “bailiff” in a neighbourhood where you may have delinquent debtors, everybody is scared; they scamper; they deny their names; and they deny that they exist. So this legislation, as I said before, is good.

Mr. Deputy Speaker, you would recall on several occasions seeing the plight of debtors where their goods are levied upon; their shacks are broken down; and their homes are entered into and most times by unscrupulous bailiffs. I am happy that this legislation is before us, as it tends to regulate the conduct of bailiffs. Often times, one sees on the newspapers and television bailiffs going to repossess somebody’s goods or take possession of a property. They go in there totally disregarding the human rights or the human dignity of the person being levied on. They go there and take out the person’s goods and scatter them all over the road; they break down the place; and it is really a shame and disgrace to see how these bailiffs carry out their work. So I am happy that this piece of legislation will, at least, regulate and give bailiffs some sort of guidance in how they should conduct their work, and it is good that the legislation provides for training of bailiffs.

Mr. Deputy Speaker, very often, I think, people who carry out the functions of a bailiff do not have a clue as to what they are about. If, for example, bailiffs are going to levy for rent, they must only levy to the extent of the debt. So, for example, if you owe \$1000 in arrears of rent, the bailiff ought only to levy goods to the value of \$1000, but some bailiffs go way beyond that and levy on everything.

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What happens in today's world with bailiffs is that they do not store the goods that they levy in a proper place. Goods have to be stored in a place where they will, at least, maintain its value and not deteriorate. Today, these goods are stored all over the place. Sometimes when you go back for the goods they are stolen and all sort of things like that happen. So, people who find themselves owing money—yes, you owe and you have to pay, but at the same time, there must be some recognition of the rights of that person. Bailiffs should not abuse the privilege they have to enforce the law by really destroying people's goods and levying more than they should levy which they do. I am told that at present how the system operates is that bailiffs go to court and apply to the Chief Magistrate and get a licence. The Chief Magistrate grants the application but then you have to pay a fee, and bailiffs are operating on the grant of that licence by the magistrate but they do not pay the fee. So there are bailiffs operating illegally in the country.

Mr. Deputy Speaker, coming to terms with the responsibilities of the bailiff, I find that when we look at clause 12 it is a little cumbersome and weak, in that a person who has a complaint against a bailiff has to go through this whole long procedure. In the case of a public service bailiff, he is reported to the Public Service Commission; in the case of any other bailiff to the registrar. I am just wondering whether we cannot tighten that up to make it in such a way whereby a bailiff will not abuse his powers, because this is a fairly long-winded process before the determination of whether the bailiff was right or wrong. This could take years and I do not think that suspension of a licence is provided for here, because a person may be right. I think we need to look at this to see whether we can speed up that process, because reporting a public service bailiff to the Public Service Commission—I mean, the hon. Attorney General will know that that is a three to five-year process before you get a determination.

In the case of the registrar it may be quicker, but a public service bailiff having his matter determined by the Public Service Commission really defeats the whole purpose of this thing. History has shown us that in Trinidad and Tobago these commissions do take some time to deliberate and adjudicate on matters before them. Perhaps, I would ask the hon. Attorney General to look at that.

Again, I see we are putting a new onus on bailiffs, and that is for them to keep accounts and that is all well and good. There is a provision whereby an accountant is described as a member of the Institute of Chartered Accountants of Trinidad and Tobago. Now, when one looks at these bailiffs, they are by and large very ordinary folk and they do have some training and experience in what they are

about. I am not too sure whether this is too onerous an obligation being placed on them. I mean a member of the Institute of Chartered Accountants is virtually a qualified accountant, one who sits the ACCA or the other professional examination. So I can see bailiffs being charged some money, well, more than I would imagine some other person versed in accounts would charge.

3.25 p.m.

I do not know if the Attorney General would look at that because it would put a burden on the bailiffs to have a certified chartered accountant audit and certify his records.

As I say, Mr. Deputy Speaker, the legislation before us is good. In committee stage, I would raise one or two other points for clarification. It is high time that people like bailiffs and Justices of the Peace were regulated. Some bailiffs are a law unto themselves. I am happy with this particular clause that deals with clause 9(3) on which my colleague had raised a query. Basically, it is saying that you cannot be a bailiff employed at a debt collection agency because we see some of these debt collection agencies advertising all over the media and, really and truly, they create fear in people's minds. You have these guys going around and just the mere mention of a person's name, creates fear in people. Some people, I would imagine, cannot pay their rents or debts because of genuine reasons and some others, obviously, disregard paying their debts, but to generalize it, would be a bit difficult.

Clause 9(3) is good because I think we do have some debt collection agencies that employ bailiffs and they, really, abuse their privileges according to law, and people are genuinely afraid to take them to court. The law, as it stands now, is that a bailiff can be reported to a magistrate and I think we should leave that part because I find section 12 here is too cumbersome. If there is some abuse of power by the bailiff, the person whose goods are being levied on or who is distressed, ought to be able to go to the magistrate instead of going through that long-winded procedure.

I again congratulate the Attorney General on bringing good legislation in the last couple months in office. We have no difficulty in supporting it. I thank you, Mr. Deputy Speaker. [*Desk thumping*]

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Deputy Speaker, I must thank the hon. Member for San Fernando West for his compliments. I would construe that he was not saying

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that good legislation was not brought earlier on, but I see that he is very prophetic and he is saying that the Attorney General would not be here. I do not know what he knows that I do not know but, probably, he is communicating with somebody above.

Miss Nicholson: Tobago.

Hon. R. L. Maharaj: Mr. Deputy Speaker, I think the points which have been made by the hon. Member for San Fernando West are very constructive and it may be that at committee stage, we could devise a way in which we could make the disciplinary section stronger, but one of the problems we have with that is that under the Constitution, disciplinary powers are under the Public Service Commission for public servants. Therefore, if you directly or indirectly do anything which would take away that right or infringe upon that right, then you have constitutional problems. It is in that context that we could not have gone any other route but giving to the Public Service Commission the right to investigate and make recommendations for discipline.

I take his point, however, that these things take a long time and we also examined the possibility of seeing whether a time frame could be put but that, also, would probably have required a constitutional amendment and we felt that the best way to deal with it was to start off with this, see how it went and we would probably have to build on it later on, but if there are other views expressed in committee stage, we will take them into consideration.

Mr. Deputy Speaker, I do not think I should say anything more at this stage. We would better spend the time at the committee stage.

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 and 2 ordered to stand part of the Bill.

Clause 3.

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

Mr. Sinanan: In clause 3(1), I raised the matter of the accountant being a member of the chartered accountants. In clause 3(1) of the interpretation section,

perhaps we can redefine "accountant" to mean any person versed in the preparation of accounts, or something like that. Because you see, to put the person to be a member of the Institute of Chartered Accountants, that is a very high standard and it is not really in keeping with the job of a bailiff.

Mr. Maharaj: We could leave a member of the Institute or—

Mr. Sinanan: A member of the Institute has to be a professional man.

Mr. Assam: To be a member of the Institute, you must have a designation of C.A.O. or A.C.C.O.

Mr. Sinanan: That is correct. You have to be a chartered accountant or a certified accountant. That is a highly professional qualification.

Mr. Assam: You must be designated.

Mr. Maharaj: Must be a person—

Mr. Sinanan:—with at least five years' experience in the preparation of accounts.

Mr. Assam: In the field of accounting.

Mr. Maharaj: Mr. Deputy Speaker, can I amend clause 3(1)? In the definition of "accountant", delete after the word "means", the words "member" to "Tobago" and substitute "a person who has at least five years' experience in the field of accounting."

Question put and agreed to.

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

Clause 4 ordered to stand part of the Bill.

Clause 5.

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

Mr. Sinanan: In clause 5(5), it is saying persons who apply for licences, their names should be published in the daily newspaper. From a practical point of view, bailiffs operate within the Magistrates' Courts and I know that there are notice boards there and even in the High Courts.

I am suggesting that we include in here that the names of people who are applying to be registered also be placed on the notice boards at the courts because, you see, the people who would come into contact would more readily be seen at

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the Magistrates' Courts, or even at the Registrar of the High Court, than somebody reading the newspaper or even the *Gazette*. The fellow whose goods are going to be levied on does not read the *Gazette*; he may read the daily newspaper but, from a practical point of view, if that name is also put on the notice board in the courts—because courts do have notice boards—I think it would be more effective in terms of communication to the public that this person is applying.

Mr. Maharaj: I can see that but within the public service, would that not be an administrative matter for us to deal with?

Mr. Sinanan: Well, you are empowered to make regulations so you could put it in the regulations.

Mr. Maharaj: We could put it in the regulations but one of the reasons we put it in all the daily newspapers was because it was felt in the other place that it should have maximum reading so, in keeping with that, we can put it in the regulations.

Mr. Sinanan: As I said before, putting it in the court is the most practical place.

Question put and agreed to.

Clause 5 ordered to stand part of the Bill.

Clauses 6 to 8 ordered to stand part of the Bill.

Clause 9.

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

Mr. Maharaj: Mr. Chairman, I beg to move that clause 9 be amended in terms of the circulated draft as follows:

Insert the following new subclause after subclause (1):

“(2) The functions listed in subsection (1)(a) and (b) shall be performed exclusively by a public service Bailiff and the other functions listed in subsection (1)(c) and (d) shall be performed exclusively by any other Bailiff.”

and renumber subclauses (2) to (7) inclusively as subclauses (3) to (8) respectively.

Insert after clause 9 the following new clause:

<p>“Protection of bailiffs Chap. 4:21</p>	<p>9A. The immunities, privileges and protection accorded to Bailiffs under the Petty Civil Courts Act shall apply to Bailiffs registered and licensed under this Act.”</p>
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As I explained, this was to make it clear what were the functions of public service and other bailiffs.

Question put and agreed to.

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

Clause 10.

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

Mr. Maharaj: Mr. Chairman, I beg to move that clause 10 be amended in terms of the circulated draft as follows:

10(1) Insert after the words “the premises” in the fifth line the following words:

“together with a signed or certified copy of the document upon which he has the authority to perform his function on that occasion”.

Question put and agreed to.

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

Clause 11 ordered to stand part of the Bill.

Clause 12.

Question proposed, That clause 12 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, the hon. Member for San Fernando West raised the question of strengthening clause 12 and on the floor of the House, I explained the difficulties we have of putting some other institution as far as the public service bailiffs are concerned. I do not know whether he has any suggestions.

Mr. Sinanan: I take the point with the public service bailiffs, but in terms of private bailiffs, again, I do not know whether we can have a process. One cannot legislate for the public service—I mean, we are talking constitutional reform there, but in terms of the other bailiffs, the private bailiffs.

Mr. Maharaj: With the private bailiffs, it goes to a judge of the Petty Civil Courts and I suppose we can press that to get it done and then it goes to the registrar for action.

Mr. Sinanan: The problem really is not so much with the private bailiffs because I think the Registrar will do what he or she has to do. It is the public service bailiffs. I do not know if there is some other way of getting around that but this thing would take like three to five years.

3.40 p.m.

Mr. Maharaj: I can tell you what other jurisdictions have done where there are situations within the state service, and state bodies are taking a very long time to deal with some of these matters. In some countries they have changed the whole law of judicial review to permit the state agency to go for mandamus against public officers. There is an Administrative Justice Act, with a section in which there are officers of the state who—in relation to discretions which have to be exercised, matters which have to be done—take action against state officers to get it done. If it is not done, mandamus, go to the court. That has speeded up the process. It is something we can think about for the future.

Mr. Sinanan: Let us see how it works.

Question put and agreed to.

Clause 12 ordered to stand part of the Bill.

Clause 13 ordered to stand part of the Bill.

Clause 14.

Question proposed, That clause 14 stand part of the Bill.

Mr. Sinanan: I know, perhaps, the Ministry here is not defined at all. I was wondering whether we should define the Ministry as the appropriate ministry?

Mr. Maharaj: Are you sure it is not defined?

Mr. Sinanan: No, it is not defined.

Mr. Maharaj: Under the Constitution, the Prime Minister assigns the Ministry.

Mr. Sinanan: Yes, but would this normally fall under your ministry?

Mr. Maharaj: If it falls under the ministry dealing with law then—I must confess, I thought it was here. Are you sure it is not here?

Mr. Sinanan: No, I have not seen it in my copy. I think we should put it in.

Mr. Maharaj: I think we should put it in.

Mr. Sinanan: Let us go back to the interpretation clause and put in a definition for “Ministry”.

Mr. Maharaj: Okay. “Ministry” means the Ministry of the Attorney General.

Mr. Sinanan: The only thing about that is that you can have a Ministry of the Attorney General separate from the Ministry of Legal Affairs.

Mr. Assam: It is safer to put Ministry of the Attorney General.

Mr. Sinanan: What I am saying is that there may be both a Ministry of the Attorney General and—*[Interruption]*

Mr. Maharaj: Are you, in the case that there is a change of Government, going to be the Attorney General?

Mr. Sinanan: I am not saying that. It is okay if you want to leave it like that: Ministry of the Attorney General.

Mrs. Persad-Bissessar: Even if the two are together, it still remains there. If they are separate, then it still remains there.

Question put and agreed to.

Clause 14 ordered to stand part of the Bill.

Clause 3 recommitted.

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

Mr. Maharaj: Mr. Chairman, I beg to move that clause 3 be amended by including the following definition in the appropriate place:

“‘Ministry’ means the Ministry of the Attorney General”

Question put and agreed to.

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

Clause 15.

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

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

“Insert after paragraph (c) the following new paragraph

“(d) prescribing the rules and procedures to be followed by Bailiffs seeking to gain entry to premises for the due performance of their duties;’

and renumber paragraphs (d) and (e) as paragraphs (e) and (f).”

The purpose of this amendment was to make it quite clear that rules and procedures can be made for Bailiffs to follow, to gain entry on the premises. We wanted to make it quite clear that these are the rules which can be made.

Mr. Sinanan: Why the need for the President to make the regulations? Why is the Minister not making the regulations? I know the President would make it on the advice of the Minister but, why can Ministers not make regulations.

Mr. Maharaj: Sometimes when we bring it here and we put the Minister you all say to put the President.

Mr. Sinanan: I mean this, again, is wasting time.

Mr. Maharaj: What happens is that the process is that it goes to Cabinet, and the Cabinet makes the decision, and the President acts on the advice of Cabinet. It provides a little more distilling of the process.

Question put and agreed to.

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

Clause 16 ordered to stand part of the Bill.

New clause 9A.

Mr. Maharaj: Mr. Chairman, I propose a new clause 9A which reads as follows:

“Insert after clause 9 the following new clause:

‘Protection of bailiffs Chap.4:21	9A. The immunities, privileges and protection accorded to Bailiffs under the Petty Civil Courts Act shall apply to Bailiffs registered and licensed under this Act.’”
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New clause 9A read the first time.

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

Question put and agreed to.

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

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Question put and agreed to.

New clause 9A ordered added to the Bill.

The Schedule.

Mr. Maharaj: Mr. Chairman, I beg to move that the Schedule be amended as follows:

“The Schedule (a) In the heading, delete the words ‘OWNERS/’ and insert after the word ‘OCCUPIER’ the words ‘OR ADULT PERSON’, and

(b) After the requirement of ‘Date and time of visit’ insert

The following new requirement:

‘.....
Purpose of visit’”

Question put and agreed to.

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

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

House resumed.

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

PATENTS (AMDT.) BILL

Order for second reading read.

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

That a Bill to amend the Patents Act, 1996 be now read a second time.

Mr. Deputy Speaker, the aim of the Bill which is before this House is to amend the Patents Act, 1996. The Patent Act was passed and proclaimed, on December 01, 1997. With the proclamation of that Act, the Patents and Design Act Chap.82:83 ceased to exist. Under the old Act, provision was made for the registration of three types of patents for inventions.

The first type was a patent under the international convention, granted to applicants who had filed applications in another country which was party to the

Paris Convention. The application had to be made within one year of the filing in the foreign country, and the patent was granted in Trinidad and Tobago, regardless of whether the patent was granted in the foreign country. The period of protection in Trinidad and Tobago was 14 years from the date of filing in the foreign country.

The second type of patent, Mr. Deputy Speaker, was a confirmed United Kingdom patent, which had been granted in the United Kingdom and had been reregistered or confirmed in Trinidad and Tobago within three years of grant in the United Kingdom.

3.50 p.m.

The third type of patent was a local patent and the term of protection was for 14 years from the date of the filing in Trinidad and Tobago. The old Act catered for a simple registration system and patents were granted without search and examination, once they fulfilled the documentary requirements of the law.

With the entry into force of the Patents Act of 1996 and the new law, the simple registration system was changed to a full search and examination system and something known as the Worldwide Novelty was now one of the criteria required for the grant of the patent. Worldwide Novelty meant that the inventor of the invention, which is the subject of the patent or patent application would have to satisfy the local patent office that the invention was not known, obvious to, anticipated or used by any other applicant for a patent anywhere else in the world.

Under section 91 of the Patents Act 1996, while all three types of patents were expressly repealed, local and international convention patents were reintroduced and saved, thus, international convention patents can still be filed within one year of filing in the foreign country. Local patents can also be still filed, but would now be subject to a full search and examination and would have to satisfy the criterion of novelty.

Mr. Deputy Speaker, by contrast, however, confirmed united patents can no longer be filed since section 91(1) of the Patents Act 1996 merely repeals Part I of the old Act thereby repealing those sections, sections 15—19 of the old Act, which dealt with the United Kingdom patents and failed to make any new provisions for such patents. Subsection (1) of section 91 of the Patents Act 1996 reads:

"Subject to the provisions of this section, Part I of the Patents and Designs Act...is repealed, and section 2 and Part IV thereof insofar as they relate to patents shall not apply."

Therefore, of the three types of patents mentioned in what I have just stated, the Patents Act 1996 has omitted to make the provision in respect of one only, namely, confirmed United Kingdom patents.

The mischief is that the consequence of that omission is that United Kingdom patentees and applicants seeking to have the United Kingdom patents re-registered or confirmed and, therefore, protected in Trinidad and Tobago, no longer have that right or benefit. Further, they have been effectively deprived of an alternative remedy or system of local protection. Therefore, we have sought to overcome this legal hurdle by presenting this Bill to the Parliament.

Clauses 1 and 2 of the Bill are self-explanatory, and clause 3 of the Bill attempts to cure the mischief or defect just explained. Thus, clause 3 of the Bill seeks to amend section 91 of the Patents Act 1996, firstly, to reinstate the right to make applications for the re-registration or confirmation of the following United Kingdom patents and patent applications: patents granted within the three-year period immediately preceding December 1, 1997—you may call that the date of the proclamation of the Patents Act 1996—European patents which have been granted in or which designate the United Kingdom; United Kingdom patent applications which have not yet been granted and which are still pending, and international applications which designate the United Kingdom and which are also pending, and secondly to get around the novelty hurdle.

Mr. Deputy-Speaker, this novelty hurdle is cured by the requirement of the proposed subsection (7) that an application for re-registration or confirmation be treated as if the application had been made under the old or former Act, but thereafter be treated as if made under the Patents Act of 1996. This would enable the applicants to utilize the simple registration system of filing and, thus, file only documentary evidence of the invention at the application stage, and would, thus, not have the application subjected to the full search and examination and the novelty criteria.

I must thank hon. Members, as some consider this to be not a very interesting topic as other areas of the law, but notwithstanding that, they were able to keep their attention focussed on what was being said.

Mr. Deputy Speaker, I beg to move.

Question proposed. [Interruption]

Mr. Sudama: You are in the wrong seat.

Mrs. Camille Robinson-Regis (*Arouca South*): It does not matter, I will still stand and speak.

Mr. Deputy Speaker, I would just like to ask a few questions of the Attorney General in relation to this piece of legislation. The questions really relate to the situation surrounding the entire package of legislation, in terms of the intellectual property package that was brought to the House fairly early in the term of this administration, and, indeed, the Patents Bill that was brought here in 1996.

The information that we on this side are seeking relates to the training of persons who have to administer the registry in terms of the intellectual property and, additionally, if the persons are trained in this new legislation as it relates to patents. Indeed, this is a fairly new area of law for Trinidad and Tobago, in terms of the mechanisms that should now be put in place to ensure that this legislation can, in fact, be implemented.

We on this side are interested in finding out whether the training that has been promised during the debate that took place in this House and in the other place in 1996 has, in fact, taken place. Whether the registry is, in fact, set up and is servicing those persons who deal with intellectual property and eventually who will be dealing with patents in relation to this piece of legislation.

Essentially, as the hon. Attorney General said, this is not an area of law that most people find exciting, but it is an area of law with which we, who are now going into what could be called the "wisdom age," must be fully *au courant*, if we are to participate in all the developments that are taking place, not only in Trinidad and Tobago but, indeed, where the boundaries between countries have been broken down by things like e-commerce and the Internet. Whether we are, in fact, prepared; whether the persons who would be staffing these registries and departments are, in fact, prepared, that is all we on this side would like to determine.

Thank you.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Deputy Speaker, I think the hon. Member has asked some very pertinent and relevant questions, and I am very indebted to her for asking them, because it gives me an opportunity to state some of the things that we have done.

As the honourable House would recall, by virtue of an agreement that was entered into by the last administration, one of the aspects which the Government

of Trinidad and Tobago committed itself to address was to introduce this package of intellectual property legislation. One of the first things that this administration did, as far as the legal side was concerned, was that we had a committee set up in order to have this legislation drafted; the legislation was drafted.

I am happy to say what happened after the legislation was drafted. The legislation is being implemented, in that, you have an Intellectual Property Office as part of the registry, and that office is now situated at what is regarded as the Huggins Building. I understand it is going to be renamed, because as you know the Civil Registry and the Land Registry are being moved out from the Red House and by early next month they are going to be fully functional from there. So you have the Intellectual Property Office Registry, the Companies Registry, the Civil Registry and Land Registry at the Huggins Building. *[Interruption]*

No, this building is not going to be demolished. This is the building which has been refurbished a bit, you have the vault built at the back on state lands and there is a car park. There was the suggestion by the hon. Member for San Fernando West that some private developer was going to get that building and he had even suggested that the Attorney General had been assaulted in that process; that is not correct at all.

The fact of the matter is that the building is there and a lot of work is being done. Let me concentrate on the Intellectual Property Office. Hon. Members would recall that laid in the House recently was a report on the Intellectual Property Office and what has been done. May I mention some of the things which have been done: there are two persons there who are very involved as heading the Intellectual Property Office, one Mrs. Joseph and one Mr. Spence.

These two persons have attended several training sessions in Geneva sponsored by the World Intellectual Property Organization, and they have been regarded as the best in the Caribbean. These two people have been able to put that department on a very proper footing. On a very regular basis, at no cost to the Government, the World Intellectual Property Organization sponsors training courses in Geneva, and different officers go from time to time at no cost to the Government.

Mrs. Robinson-Regis: Hon. Attorney General, I just want to ask whether the kind of training that those officers get would be passed on to their subordinates and, in addition, whether attorneys who have to function within this new regime would be afforded any opportunity to get training through your office.

Hon. R. L. Maharaj: As a matter of fact, there have been some seminars here organized by the World Intellectual Property Organization at which members of the Bar and the public were invited. There were advertisements; there was one about six months ago and there is literature. I would think that the office, as it grows older, would be able to sponsor local seminars, but when there were advertisements for the seminars, very few members of the local legal profession attended, and I could understand why because it is not a topic that lawyers have yet become on board with.

I agree with you that this is something for the future, and as we are going into the computer age, the cyber space age—

Mr. Valley: The wisdom age.

Hon. R. L. Maharaj: —we are going to have a situation in which the whole law, not only intellectual property law, the criminal law as well would change. When you think of the law of larceny, you think of stealing an object, now you could have a situation where you could be stealing information, so the whole law would have to change. But I can say that training is being done and the system is automated; it is computerized.

As a matter of fact, I would be prepared to facilitate a visit to the office, because it is something which I think lawyers would be interested in, a visit to the office in which you would see some of the major developments which have occurred. I feel very proud of some of the things they have done there. So what I can tell you is that, yes, there has been training. As a matter of fact, the World Intellectual Property Organization has recognized Trinidad and Tobago to be the leading country in the region in respect of intellectual property compliance.

As a matter of fact, in about two weeks time—I recently gave approval for the head of the office to attend a meeting in Geneva where the report on the Intellectual Property Office in Trinidad and Tobago will be discussed, because countries have to comply with reporting what they have done, and other countries can ask questions. I can tell you that there have been developments and there has been compliance.

The intellectual property rights are really rights which governments would have to take more and more action to protect. If one even looks at what was introduced in the Parliament today there were two Bills which had to do with e-commerce and computer misuse. One sees that related to all these matters are those issues.

Mr. Deputy Speaker, I hope that I have satisfied to some extent the queries of the hon. Member for Arouca South. I want to give her the assurance that she can speak to me and we can have a personal tour of the facilities. I notice that the hon. Member for Diego Martin Central said that he wants to accompany us on that tour. [*Laughter*]

Mr. Deputy Speaker, I beg to move.

4.05 p.m.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in Committee.

Clauses 1 to 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 amendments, read the third time and passed.

JOINT SELECT COMMITTEE REPORT

(WORKING PAPER ON THE REFORM OF THE MANAGEMENT STRUCTURE OF THE PARLIAMENT)

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Deputy Speaker, I beg to move the following Motion standing in my name:

Be it resolved that this House adopt the Report of the Joint Select Committee of Parliament on the Working Paper on the Reform of the Management Structure of the Parliament of Trinidad and Tobago.

Mr. Deputy Speaker, the report which is before us has to do with an important institution, if not one of the most important institutions in our country, the Parliament. Under this administration, the House Committee considered whether an examination should be done with respect to the management structure of the Parliament and the House Committee as you know, consists of both Opposition and Government Members. It was the joint feeling of both Opposition and Government Members that we should look at that and it was referred for action and the Law Commission prepared a working paper in order to discuss the issue.

Following the working paper which was prepared, it was agreed by this Parliament that a Joint Select Committee be appointed to examine the structure of the Parliament and whether there should be recommendations for reform, so that the Parliament institution can meet some of the demands of the present and future days ahead of us.

Mr. Deputy Speaker, I think hon. Members would recall that, quite apart from the structure itself, the Government had taken decisions with respect to constituency offices, in respect of allowances and salaries for staff at constituency offices, and in respect of air-conditioning and computers for constituency officers to improve the system in order to modernize Parliament and to make representation more effective.

The Joint Select Committee consisted of the following Members from the House of Representatives:

Mr. Ramesh L. Maharaj
Mrs. Kamla Persad-Bissessar
Dr. Rupert Griffith
Mr. Chandresh Sharma
Mrs. Camille Robinson-Regis
Mr. Martin Joseph

Those from the Senate were:

Mr. Wade Mark
Brig. Joseph Theodore
Ms. Carol Cuffy Dowlat
Mrs. Nafeesa Mohammed
Prof. John Spence
Mrs. Diana Mahabir-Wyatt

The committee's terms of reference were to consider the working paper entitled *The Reform of the Management Structure of the Parliament of Trinidad and Tobago and to report to Parliament*. The chairman of the committee was Mr. Ramesh L. Maharaj and the secretary was Mr. Neil Jaggassar, Parliamentary Clerk II.

Mr. Deputy Speaker, the committee met, had discussions, received oral evidence and also had written memoranda sent to it. It received memoranda from Mr. Kenneth Lalla, Chairman of the Public Service Commission; Ms. Jean Roseman, Director of Personnel Administration; Mr. Hugh Clarke, Executive Officer, Office of the Ombudsman; Ms. Sandra Marchack, Chief Personnel Officer and the Heads of Divisions of the Parliament Department.

The committee had the honour and pleasure of having both the President of the Senate and the Speaker of the House of Representatives attend our meeting and give us assistance with their views on the matter. We also had the Clerk of the Senate, Miss Norma Cox and the Senior Human Resource Officer, Miss Creed. The committee also had the benefit of the Clerk of the House, Miss Jacqui Sampson who gave us some of her views and experiences with respect to the Parliament.

Mr. Deputy Speaker, I do not think it would be doing any disservice to anyone if I say that some of the matters which were disclosed show that the Parliament structure has not been functioning properly. There were occasions where, because of the way in which the Parliament functions, you had public servants actually having to disburse their own funds at times in order to satisfy the needs of Parliamentarians when they were having meetings. I say this because I think that is really an insult and contempt of the people of Trinidad and Tobago. No Parliament should have to function in a way in which public servants and officers would have to pay their moneys in order to finance what is happening in Parliament and then hope to get reimbursement for it. I feel very strongly about that, and it has nothing to do with any particular Government because it seems that this has been happening for a long time, and it has to do with the system. As a matter of fact, the records show that it happens all the time.

Mr. Deputy Speaker, that is just one of the matters, there are several others, but I do not think I want to mention all those matters because other Members may want to mention other matters. It was quite clear that the committee had to carefully consider what should be done, and if one looks at the report which is before us, one would see under Deliberations, the committee examined the working paper which looked at other structures such as what reforms were done in other countries and it studied the administrative structures in several Commonwealth jurisdictions namely, India, Sri Lanka, the United Kingdom and Barbados.

Some of these countries had a separate Parliamentary Service Commission in order to assist in the management of the Parliament so that there was less

executive bureaucracy in the management of the Parliament and a little more autonomy by the parliamentary service. On the report on page 6, one would see that the working paper proposed the establishment of a Parliamentary Service exclusive to the Parliament and it stated:

“...that the chief objective of such a reform exercise would be the creation of a dynamic institution served by a career Parliamentary Service with high standards, capable of guarding the long-term interests of the Parliament and providing continuity in an environment which is liable to change every five years.”

Under this heading it highlighted the fact that in several other Commonwealth jurisdictions, legislation provided for the independent staffing of those Parliaments.

Mr. Deputy Speaker, the committee took into consideration the highly specialized nature of the work and the long, uncertain hours and agreed to the establishment of a service called the Parliamentary Service.

The working paper recommended the creation of a Parliamentary Service Commission comprising the Chairman of the Public Service Commission, the Speaker of the House of Representatives, the President of the Senate *et cetera*. Comments were received from the Chairman of the Public Service Commission and the other persons mentioned and there was also consideration of the case of Endell Thomas and the committee considered a recommendation that there be a fourth class of service, The Parliamentary Service, which should be added to the three services currently vested with the Public Service Commission. However, the committee rejected this option having regard to the fact that there would be an additional burden on the already overworked Public Service Commission, in recognition of the fact that the bureaucratic constraints often impede decision-making by the Public Service Commission.

The committee preferred a modified version of the recommendation on the working paper that an independent and separate Parliamentary Service Commission should be established. In its opinion, this commission should be appointed by the President, in accordance with section 126 of the Constitution with powers to appoint, transfer, promote, discipline and terminate parliamentary officers. The committee was of the firm view that for this commission to operate efficiently, this service commission should be staffed by a small cadre of supporting personnel and wherever possible, the services needed by the Parliamentary Service Commission should be contracted out.

The working paper also talked about a Parliamentary Management Board and the committee agreed that any new management structure for the Parliament must afford Members of Parliament from all sides and groups an opportunity to determine matters pertaining to the functioning of the Parliament, and to this end the committee decided on a proposed structure for a Parliamentary Management Board which will be a policy-making as well as a decision-making body. The committee discussed the functions and powers of the board and agreed that it must be consulted by the relevant authorities when fixing remuneration and in developing Parliamentary Service Rules and Regulations.

In addition, the board should be given powers outlined in paragraph 26 C (vi) which states:

“(vi) That the Parliamentary Management Board be given the powers to:

- (a) approve the employment on contract of specialist staff for periods not in excess of three years; and
- (b) approve the draft Estimates of Expenditure for the Parliament and Parliamentary Institutions;

It was felt that the Parliament is a specialized area and there would be need at times to have specialist staff.

In respect of the Office of the Ombudsman, the Constitution under section 91 (1) establishes the Office of the Ombudsman and states that he should be an officer of Parliament. The committee considered the comments from the Executive Officer to the Ombudsman and noted the concerns expressed by him; one of which pertains to financial management of the office.

The Accounting Unit of the Parliament is responsible for effecting financial and accounting services to the Office of the Ombudsman which is headed by an Executive Officer and comprises some 28 public officials. The Clerk of the House, as Accounting Officer for the Parliament and the parliamentary institution is ultimately accountable for the disbursement of moneys used by Parliament for the Office of the Ombudsman and expenditure is incurred only on the instruction of the Ombudsman or his executive officer.

4.20 p.m.

Mr. Deputy Speaker, the Ombudsman’s plea for financial autonomy of the Office of the Ombudsman in his Fourth and Fourteenth Annual Reports and the Report of the Joint Select Committee on the Seventeenth Annual Report of the

Ombudsman were noted by the Committee. Insofar as one of the objectives of this reform exercise is to give greater autonomy to the administration of Parliament, the Committee felt that those reform efforts would resolve the Ombudsman's concerns and concluded that it would be unwise to recommend any amendment to the Constitution related to the Office of the Ombudsman at this time. So the main recommendations of the Committee are:

- A. (i) That the legislation be enacted to provide for the establishment of a Service called "The Parliamentary Service", and for the classification of officers thereunder;
- (ii) That transfers or secondments should be possible between the Parliamentary Service to and from other Services (such as the Civil Service, Fire Service, Prison Service, Teaching Service, Police Service, and Judicial and Legal Service);
- (iii) That for appointments to positions with the Parliamentary Service, preference should be given to existing Civil Service staff in the Parliament Department with such staff being allowed a maximum of 12 months to confirm their interest in moving from the Civil Service to the Parliamentary Service. Officers who opt for transfer to the Parliamentary Service would retain their superannuation benefits from the Civil Service. Officers who choose to remain in the Civil Service shall be re-deployed to comparable positions in the general Civil Service.
- B.(i) That legislation should be enacted to provide for the establishment of a Parliamentary Service Commission comprising a Chairman and four other members appointed by the President of the Republic of Trinidad and Tobago after consultation with the Prime Minister and the Leader of the Opposition.
- (ii) That the members of the Parliamentary Service Commission would hold office in accordance with Section 126 of the Constitution of the Republic of Trinidad and Tobago;

which is like all other service commissions.

- (iii) That the power to appoint persons to hold or act in positions falling under the Parliamentary Service, including the power to (a) make appointments on promotion and transfer, (b) confirm appointments and (c) remove and exercise disciplinary control over persons holding or acting in such positions would be vested in the Parliamentary Service Commission.

- C. (i) That legislation be enacted to provide for the establishment of a Parliamentary Management Board responsible for directing parliamentary management and administrative services for the Parliament of the Republic of Trinidad and Tobago;
- (ii) That the Parliamentary Management Board be comprised of the Speaker of the House as Chairman; the President of the Senate as Vice-Chairman; the Leader of the House; the Leader of Government Business in the Senate, the Leader of the Opposition and a representative of Independent Senators. The Clerk of the House shall be the Secretary to the Board with the Clerk of the Senate as Assistant Secretary.
- (iii) That the legislation make provision for the Board to elect a Chairman in the absence of the Chairman and Vice-Chairman;
- (iv) That the relevant authorities would fix remuneration and determine conditions of service of the staff of the Parliamentary Service in consultation with the Parliamentary Management Board;
- (v) That Parliamentary Service Rules and Regulations for staff shall be developed by the relevant authorities in consultation with the Parliamentary Management Board;

So there would be the Parliamentary Service Commission which deals with the staffing, which deals with staff appointments and there is an Independent Commission. And there is also the Parliamentary Management Board, which would be involved in the policy in respect of the management of the Parliament. I have already mentioned that the Parliamentary Management Board would be given the power to approve the employment on contract of specialist staff for periods not in excess of three years—those are the contract officers—and to approve the draft estimates of expenditure for the Parliament and Parliamentary Institutions.

The Members of the Parliamentary Management Board should hold office for the life of the Parliament and upon dissolution of Parliament until the first sitting of the next Parliament, the Speaker of the House of Representatives and the President of the Senate shall form an interim board. The Clerk of the House shall continue as Secretary with the Clerk of the Senate as Assistant Secretary.

Mr. Deputy Speaker, I think this is a topic which we have to discuss in a little frank way. As it stands now, the perception is that since there are no such institutions, a Government can have some influence in the functioning of the

administrative structure of the Parliament. And it is felt that these institutions are not only for better management but also for greater independence and greater autonomy.

In respect of the financial administration of the new Parliamentary Service the Committee recommended the following:

That the administrative and operational expenses of the Parliament and Parliamentary Institutions, including salaries and allowances for Members of Parliament and staff, goods and services and other necessary parliamentary expenditure be charged on the Consolidated Fund. It is inconceivable that one would think that you can have money allocated for the Parliament and you can have application made for withdrawal of the money but you do not get the release on time. *[Interruption]* Mr. Deputy Speaker, I am talking about the Parliament, the Member for Diego Martin Central could talk about the Chief Justice and then we could reply about that. But I am talking about the Parliament today. This is meant to put this in line with the judges so that the money for judges is charged in the Consolidated Fund. So they do not have to apply in that way.

So the recommendation is that the administrative and operational expenses of Parliament be put on the Consolidated Fund. And that the Parliamentary Service maintain accounts and records in a form approved by the Auditor General of Trinidad and Tobago, so that in the exercise of accountability, the Parliamentary Management Board should report to Parliament annually or more frequently if it so determines. That the accounts of the Parliamentary Service be audited by the Auditor General in accordance with Section 116 of the Constitution.

Mr. Deputy Speaker, at the end of the report in paragraph 28 it says that in respect of the Office of the Ombudsman, the Committee recommended that the existing staff become part of the new Parliamentary Service, and that proposed legislation provide for the Parliamentary Service Commission to have similar powers in respect of the staff in the Office of the Ombudsman—a staff attached to the Parliament—and that provision be made in the legislation similar to that, in Section 121(8) of the Constitution, for the Parliamentary Service Commission to consult with the Ombudsman before appointments are made to the offices within the Office of the Ombudsman.”

In making these recommendations the Committee considers the Parliament and its institutions to be pivotal organizations in maintaining the constitutionally guaranteed rights and freedoms of all citizens as enshrined in the Constitution.

The Committee felt strongly that if these rights and freedoms are to be continued to be enjoyed by the population, Parliament must be provided with a modern and dynamic administrative structure which will equip it to meet the challenges of the 21st Century.

In making the recommendation, the Committee took into consideration the need to increase the efficiency and effectiveness of the existing administrative machinery of Parliament, the accepted position in many Commonwealth jurisdictions to appoint parliamentary staff who are exclusively employed by the Parliament; the specialized nature of the work of Parliament; the need to ensure the Constitutional independence of the Parliament, and the current difficulties experienced with the existing financial arrangements.

It is the fervent hope of the Committee and it is a unanimous report of the Committee. *[Interruption]* It is a unanimous report but I am not seeing the signature of Mrs. Jearlean John on my copy, but it was a unanimous report. *[Interruption]* I should have mentioned that. She became a Member of the Committee to replace Ms. Carol Cuffy Dowlat. It is a unanimous report, and I would like Mr. Deputy Speaker, to put on record, the thanks of the Committee to the Clerk of the House, the Clerk of the Senate, the Secretary to the Committee and Members of the Parliamentary Staff for the work that they did in making this possible for us to give our recommendations, and the assistance they gave to the Committee.

4.30 p.m.

I would also put on record thanks to all the persons who assisted the committee, either by sending memoranda or in attending the hearings of the committee. Mr. Deputy Speaker, I would say that this is one of the committees whose work I enjoyed tremendously as well as the camaraderie and the co-operation that we had—Government, Opposition and Independent Senators—and we met on Saturdays and early mornings. There were differences of views at times, but we were able to thrash out our differences in an atmosphere and in a way in which I think all of us would be proud. I would thank the Members of the Opposition who served on this committee—Mrs. Camille Robinson-Regis and Mr. Martin Joseph who served from the House of Representatives and Mrs. Nafeesa Mohammed who served from the Senate. I would also thank the Senators who served—Independent Senators, Mrs. Diana Mahabir-Wyatt and Prof. John Spence—and I would also thank the members of the Government who served on this committee.

Mr. Deputy Speaker, I know that we may have differences at times in the political field. There would always be differences, but I think that in respect of the Parliament and its functioning in which Parliament represents—well, it is the arena, if you want to call it that, in which the people's rights and the people's grievances are aired. I think that if there is a problem with the functioning of the Parliament—[*Interruption*]

Mr. Deputy Speaker: I do not want to stop you, but are you winding down?

Hon. R. L. Maharaj: Yes, I am winding down—if there is a problem with the functioning of the Parliament and there is a means whereby things can be improved, I think all of us would be interested in having those measures go forward. So, Mr. Deputy Speaker, I beg to move.

Question proposed.

Mr. Deputy Speaker: I recognize the Member for Arouca South. The sitting is suspended until 5.05 p.m.

4.33 p.m.: *Sitting suspended.*

5.07 p.m.: *Sitting resumed.*

Mrs. Camille Robinson-Regis (Arouca South): [*Desk thumping*] Mr. Deputy Speaker, as the Member for Couva South indicated, basically this report was a unanimous report but we must indicate that, throughout the period of the existence of the committee, there was a lot of toing and froing in terms of coming to the best solution as it relates to maintaining the dignity of the Parliament and, indeed, indicating that the Parliament serves the Legislature, and both sides, so that the Parliament must always be seen as an independent body that serves the entire House and the Senate. So that at no time must the Parliament or the parliamentary staff be made to feel that they do not operate with a sense of being fair to both sides of the House—the Opposition and the Government.

It was, therefore, imperative for us to carefully consider all the recommendations that were brought before us to attempt to distill those issues which we felt were necessary to come to the best conclusion as it related to the existence of the Parliament of Trinidad and Tobago. Indeed, one of the things that caused quite a lot of discussion was determining whether or not a parliamentary service commission should, in fact, be made a reality and that, indeed, caused most of the discussion throughout the existence of the committee. At times we still had to wonder if we were coming to the right conclusion because, for the

Opposition and for the Government and, indeed, for the Independents, it was, I think, what could be described as a painstaking decision to determine what would be the best option as it related to the Parliament.

5.10 p.m.

Mr. Deputy Speaker, as a matter of fact, as the report has come to the Parliament, it may be that as other Members of the Parliament look at the report, they may want to comment on this particular aspect of the recommendations. Mr. Deputy Speaker, as the hon. Attorney General said after quite a lot of painstaking work, discussions and interviews with various persons who made submissions to the committee, we did come to the recommendations that are before the House today.

Mr. Deputy Speaker, apart from talking about the report, I would just like to signal to the hon. Attorney General that there was supposed to be an allocation of \$10 million in the budget for repairs to the Parliament. When it was raised in the House, the Minister of Finance, Planning and Development indicated that it was an oversight that it was not included. So, we on this side are wondering if anything will be done.

Mr. Maharaj: I think I have a duty to say that I also raised this issue with the Minister of Finance, Planning and Development and he has given the guarantee that the moneys for the Parliament would be provided for, and there are means, even though it was not included in the budget, for the moneys to be raised. I think in his contribution he also gave that undertaking.

Mrs. C. Robinson-Regis: Mr. Deputy Speaker, I am grateful for that clarification. We on this side do not have very much more to add to what the hon. Attorney General has said. The Member for San Fernando West will also be making a contribution to this debate. As a part of the Committee, basically, our recommendations are reflected in what the committee has said, and we are trusting that, as the Parliament is strengthened, other independent institutions will also be strengthened in Trinidad and Tobago. I am sure the Member for Couva South is fully aware of the institutions of which I speak.

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

Mr. Barendra Sinanan: Mr. Deputy Speaker, I join the debate to merely congratulate the committee on an excellent job that they have done and to join my colleague. I know we have gotten the assurance of the hon. Attorney General. Mr. Deputy Speaker, \$10 million in the scheme of things, when one looks at this

building, I am not sure whether that would go very far. When you go out to the Members' bathroom there, and throughout this whole building you can see dry rot and water damage. It could very well be that this \$10 million may be the first of many tranches to come. If one looks at the report of the select committee, we are talking about using the Red House strictly for purposes of Parliament where Members will have their committee rooms in which they can see the public and so on and you need proper accommodation for the staff.

Mr. Deputy Speaker, very often we come here and I know you yourself, like myself, and others complain about the air-conditioning. At best of times it does not cool properly. Walking on the corridor here when it rains, it is very easy for Members to slip and damage themselves. *[Interruption]* Yes, I care about you. I know the Attorney General is an attorney who is versed in cases where people slip and fall on wet surfaces. I had the privilege of briefing him on one occasion where he had the honour of defending a lady who slipped. So the Attorney General is well aware of what I am speaking about. There are Members of staff who in their accommodation like the Hansard Editor and so on, when the rain falls it comes through the roof.

There is also a situation where a tarpaulin has been placed on parts of the roof of the Red House and here it is, this is the seat of Parliament, the highest court in the land, and we are treating our home, as it were, with such contempt. *[Desk thumping]* No wonder, I think, the general public have little regard for parliamentarians. If we are treating ourselves in that form and fashion, I do not expect people outside there to treat us with the sort of decorum and honour we deserve.

Mr. Deputy Speaker, so, I think, really and truly charity begins at home and Members of Parliament on both sides ought to press the Minister of Finance, Planning and Development or the Minister of Public Administration or whoever is the relevant minister and, certainly, the Minister of Finance, Planning and Development who holds the purse strings. This is where we practise our profession, so to speak, and the accommodation here ought to be proper.

Mr. Deputy Speaker, I have sat five years as other Members here, and I have observed cobweb in this Chamber for five years. I also observed the scars of the 1990 incident. One could still see bullet holes through some of the panes there. So, all I am saying is that we should treat the place where we work—this is our home, the highest court in the land—with some sort of respect, and in doing that I am suggesting that the \$10 million earmarked in the fiscal year 2000—2001

would not go very far in restoring this building. Mr. Deputy Speaker, as you know, this building is of historical value. I do not think in this entire Republic of Trinidad and Tobago, there is a building of architectural value as this. I mean, just look at the ceiling and you would see what I am speaking of.

In passing, I must say that the other building in this area, which is perhaps closest to this, is the Queen's Royal College and we see what is happening there.

Miss Nicholson: That is sad.

Mr. B. Sinanan: It is in fact sad to see a building like that deteriorating.

Miss Nicholson: It is really sad.

Mr. B. Sinanan: I am appealing to the Minister of Education as we try to improve our accommodation here—

Mrs. Persad-Bissessar: As far as I understand, this year, the budget estimates include some funding—of course, not all the funding but if my memory serves me correct—for the Queen's Royal College. We cannot give them all, but I see they are also doing their own work in terms of the Old Boys' Association and so on. The Old Boys' Association has been raising funds and the Ministry of Finance, Planning and Development has allocated some funding in the PSIP. I do not recall the figure.

Miss Nicholson: That is yours.

Mrs. Persad-Bissessar: I am very proud, if I could really say that the Queen's Royal College is mine, Member. *[Laughter]*

Mr. B. Sinanan: I thank the hon. Minister for her intervention. Yes, I hear her that in the budget documents there is an allocation for Queen's Royal College. I do not want the college to be treated like any other college. That college is of architectural value and that is the point. *[Desk thumping]* So it should be so funded to preserve a special project. It is quite close to White Hall and there are the famous "seven sisters" and to me, I think, the King as it were, is this structure here we call the Parliament.

Mr. Deputy Speaker, I am just appealing to Members on both sides to look at that allocation again. I think \$10 million—really in the scheme of things and the way money is spent in this country; for this Parliament where we pass laws; and we come here and hear about all these major projects—really and truly it is not the way to go. This is one area I think we can get together because it is a place that houses all of us. I am appealing to the Government Benches that they should seek to have more money allocated to restoring this building.

5.20 p.m.

Again, Mr. Deputy Speaker, in closing, let me thank the Members of the Committee for a job well done. Let me thank members of the parliamentary staff who supported the Committee in its deliberations.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Deputy Speaker, I think that the concerns about the Parliament building are taken and I think I would like to remind Members that when the administration took office, it decided as a matter of policy that this building should be vacated by persons other than persons connected with the Parliament and that there were brought in, designers for the refurbishment of the Red House.

You would recall there were two phases. The first phase is the one which would cost about \$10 million and the second phase would be a higher sum. The second phase is in the process of being designed now so the first phase had to do with the roof and other things and the second phase was more extensive.

From the beginning of the month, as I said, the Registrar General's Department would be removed from the Red House and I understand that there are some other occupants who would move shortly so the Red House would be free. The repair work would, obviously, be able to be done on a quicker basis because it would not be occupied.

I understand that on Monday, the Director of Budgets is meeting the Permanent Secretary in the Ministry of Works and Transport and the Clerk of the House for the identification to make available funding for the continuation of the Red House project.

I take the point and I think the Government has taken the point that moneys have to be provided because you cannot be doing these reforms and yet the building remains the same. I also take the point that if Government has to get the money, it will get the money in order to get the work done.

I do not know how many difficulties I would get into for saying that, but I take a very strong position that the funding for the Parliament construction should be made available. It is important and it should be done. That is the point I want to make.

I am glad that Members have supported the measures that are proposed and the next stage, if the Parliament approves it, is that I have undertaken to take a

note to Cabinet on the basis of this Motion so that steps can be taken to implement the recommendations of the Parliament.

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

Question put and agreed to.

Resolved:

That this House adopt the Report of the Joint Select Committee of Parliament on the Working Paper on the Reform of the Management Structure of the Parliament of the Republic of Trinidad and Tobago.

ADJOURNMENT

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that the House do stand adjourned to Friday, September 22, 2000 at 1.30 p.m. On that date, it was supposed to be Private Members' Day but, by the consent of the Opposition, Government Business would be done with the undertaking of the Government that a date would be provided to the Opposition before the end of this session.

Mr. Valley: On the 29th or before.

Hon. R. L. Maharaj: Okay. On the 29th or before. I put it on the record so you have it there.

May I indicate that the Government would like to have some of these matters on the agenda completed before this session comes to an end. I think it is no secret that the session started on October 8, if I remember clearly, and it would come to an end on October 7. It would then be a matter for a decision as to when the new session starts.

Mr. Valley: After the election.

Hon. R. L. Maharaj: But, Mr. Deputy Speaker, if hon. Members look at the Order Paper, we were supposed to do today the Justice Protection Programme Bill but that is a Bill that would take a bit of time so we should put it on a day when we have no other measures to take. Therefore, what I suggest is that we do Bill No. 5, the Minerals Bill on the Order Paper, apart from the Supplementary Appropriation Bill and we also do the Senate Amendments to the Judicial Review Bill which was in the Senate yesterday, then we do Bill No. 7, an Act to amend the Citizenship of the Republic of Trinidad and Tobago.

Adjournment

Wednesday, September 20, 2000

Mr. Valley: Mr. Deputy Speaker, I wonder whether the hon. Attorney General is aware that the first order of business on Friday stated as Finance Committee, is the Supplementary Appropriation Bill.

Hon. R. L. Maharaj: I am aware of that, but I am just saying because I did not anticipate that the Opposition would be very long with that and I cannot predict. I am recognizing that is the first order of business but I am saying that in addition to those matters, what we would do are two short Bills: Bill No. 5, the Minerals Bill and Bill No. 7, the Citizenship (Amdt.) Bill and also the Motion dealing with the Senate Amendments.

Mr. Deputy Speaker, I will alert Members that there are measures that we would want to complete, otherwise it would have an effect on what we have already done. If Members look at Motion No. 3, they would see the Joint Select Committee on a package of legislation and we would then put that for the next week. That will probably take a whole day because there are several measures. We can take them together if we agree, and discuss all the matters together. They are very important measures; the committee spent time dealing with them; and we would not like the work to be lost.

Mr. Deputy Speaker: Before I put the question on the Adjournment, there is a Motion on the Adjournment. Are you going to raise it?

Mr. Valley: It is deferred.

Mr. Deputy Speaker: Until when?

Mr. Valley: Until Friday.

Mr. Deputy Speaker: Next Friday. By agreement, the matter on the adjournment will be deferred until Friday.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 5.28 p.m.