

HOUSE OF REPRESENTATIVES*Friday, May 11, 2001*

The House met at 10.30 a.m.

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

Mr. Speaker: Hon. Members, I have received correspondence today from the Member for Diego Martin East (Mr. Colm Imbert) who sought my leave to be absent from today's sitting. Leave is granted.

**PRIVILEGE MOTION
(SPEAKER'S RULING)**

Mr. Speaker: Hon. Members, by letter dated Wednesday, May 02, 2001 the hon. Member for Couva South sought the leave of the Speaker to raise a matter of privilege in accordance with Standing Order 27(2) of this honourable House. Leave was granted and on Monday, May 07, 2001, the hon. Member for Couva South raised in this House a matter of privilege concerning certain statements made in the House on Friday, March 16, 2001 by the hon. Member for Diego Martin Central.

First of all, Standing Order 27(4) requires that the Speaker decide whether or not a prima facie case has been made out and if so, he shall so state and refer the matter to the Committee of Privileges for further investigations.

I will not repeat the full text of the hon. Member for Couva South's submission, which is recorded in the *Hansard* report of Monday, May 07, 2001. Members would recall that in his submission to me, the hon. Member for Couva South referred to statements made by the Member for Diego Martin Central in the House on the said Friday, that is, March 16, 2001, which he believes were intended to discredit the Member for Couva North and impacted directly on his privileges, as well as on the privileges of this honourable House collectively. He claims that the statements were unfounded and deliberately misleading and diminished the respect due to this honourable House.

The statements of the hon. Member for Diego Martin Central which were referred to by the hon. Member for Couva South included the following, which I quote directly from the day's *Hansard*. I quote:

“As a matter of fact, the information coming out is that the Regiment, which is accustomed to going through its normal hiring procedure, went through that

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procedure, selected persons to join the army, sent that to the Minister of National Security—who as you know also happens to be the Prime Minister—the Prime Minister looked at the list and crossed it off. He said, ‘there are not sufficient East Indians on this list,’ and has sent a new list down to the army, and said, ‘These are the people you must hire’. He has everybody down in the army mad, because they do not operate in that manner.”

The Member for Diego Martin Central continued and I quote:

“I want to caution this Government because they are playing with dynamite. They are playing with dynamite! The people have gone through their procedure. They have informed persons, and these people have already made all their arrangements to enter the army, and here comes ‘Mr. Big Stuff’, scrapped the whole list and says, ‘Hire these; not sufficient East Indians in the army’!”

The hon. Member for Couva South’s argument could be sustainable only if at least one of the following grounds could be satisfied, namely:

1. That the hon. Member for Diego Martin Central made the statements knowing full well that they were false;
2. That the hon. Member made these statements which he did not himself believe to be true; or
3. That the hon. Member made statements without due care and attention and negligently asserted in the House something about the conduct of another Member which he claimed to be true, but which turned out to be false.

Privilege is that which sets hon. Members apart from other citizens, giving them rights which the public does not possess. The privileges enjoyed by our House of Representatives are defined by law, that is, by the Constitution and by Chap. 2:02 of the laws of Trinidad and Tobago. In many respects, our privileges were transferred from the British House of Commons at the commencement of our Republican Constitution. Therefore, it is instructive to look at the experiences of the British House of Commons for guidance on matters of privilege.

In the well-respected treatise *Parliamentary Practice* by Erskine May, on page 65 of the 22nd Edition, “parliamentary privilege” is defined as, and I quote:

“The sum of the peculiar rights enjoyed by each House collectively...and by Members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or

individuals. Thus privilege, though part of the law of the land, is to a certain extent an exemption from the general law.”

Thus the individual Member enjoys the following privileges:

- Freedom of speech;
- Exemption from jury duty;
- Freedom from civil arrest while going to, attending, or returning from a sitting of the House.

Collectively, the House enjoys:

- The right to regulate its own procedures;
- The right to publish papers which may contain defamatory material;
- The authority to institute inquiries and to send for persons, papers and records.

Any disregard of, or attack on, the rights, powers and immunities of the House and its Members, either by an outside person or by a Member, is referred to as a breach of privilege and is punishable by the House. There are other affronts against the dignity of the House which may not strictly fall within one of the above specified defined privileges. Thus, the House also possesses the right to punish, as a contempt, any action which, though not a breach of privilege, tends to obstruct or impede the House in the performance of its functions; obstructs or impedes any Member or officer of the House in the discharge of their duties, or is an offence against the dignity or authority of the House.

10.40 a.m.

Hon. Members, it is well supported in parliamentary literature from the United Kingdom and elsewhere in the Commonwealth, that undoubtedly, the most important privilege afforded Members is the freedom of speech in parliamentary proceedings. It has been described in a report of the Canadian House of Commons as:

“A fundamental right without which they would be hampered in the performance of their duties. It permits them to speak in the House without inhibition, to refer to any matter, express any opinion as they see fit, to say what they feel needs to be said in the furtherance of the national interest and the aspirations of their constituents.”

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According to *May's Parliamentary Practice* 22nd Edition, page 83 states:

“Subject to the rules of the order in debate, a member may state whatever he thinks fit in debate, however offensive it may be to the feelings, or injurious to the character or individuals and is protected from any action for libel as well as from other questions or molestation.”

It is therefore well accepted that this privilege of freedom of speech is essential for the effective working of both Houses of Parliament. Though it is often criticized and seldom understood, the freedom to make allegations which the Member genuinely believes at the time to be true, or at least worthy of investigation is fundamental. Indeed, there would be no freedom of speech if everything had to be proven true before it were uttered.

However there are limitations. This freedom is circumscribed by Standing Order 36 of the House which deals with the Contents of Speech. For example, there is the *sub judice* convention which has been explained for you in Procedural Guideline No. 1 of 2001, circulated at the sitting of Monday, May 7, 2001. Also Standing Order 36(4) states that it shall be out of order to use offensive or insulting language about Members of either Chamber.

Standing Order 36(5) states that no Member shall impute improper motives to any other Member of either Chamber. A number of other restrictions are listed in the said Standing Order 36. Included here are restrictions on reflections on the conduct of, among others, Members of either House, unless by way of a substantive motion moved for that purpose. Further limitations exist by the authority of the Chair under the Standing Orders to preserve order and decorum in the House.

Moreover, any statement made under the cloak of parliamentary privilege which may lead to the obstruction or interference of the House, other Members or officers of the House, in the performance of their duties, may be treated as contempt even though there is no precedent for the offence. Indeed, as has been stated in *May's*, 22nd Edition on page 83, both Houses “preserve the authority to restrain and even punish their Members who, by their conduct, offend the House.”

All this is why from time to time Speakers as well as this current Speaker caution Members about the misuse of speech. In Canada, for example, in a 1987 ruling following a question of privilege, Speaker Fraser urged Members to take the greatest care in what they say in Parliament. He pointed out that:

“There are only two kinds of institutions in this land to which this awesome and far-reaching privilege [freedom of speech] extends—Parliament and the Courts. These institutions enjoy the protection of absolute privilege because of the overriding need to ensure that the truth can be told, that any questions can be asked, and that debate can be free and uninhibited...”

He continued:

“Such a privilege confers grave responsibilities on those who are protected by it. The consequences of its abuse can be terrible...Reputations can be destroyed on the basis of false rumour... All honourable Members are conscious of the care they must exercise in availing themselves of their absolute privilege of freedom of speech. That is why there are long-standing practices and traditions observed in this House to counter the potential for abuse.”

Hon. Members, it is against that background I now return to the matter of privilege raised by the Member for Couva South, on Monday, May 7, 2001 on which I must rule. As I indicated, a *prima facie* case of breach of, or rather a contempt of the House in this current session is sustainable only if one of certain grounds can be proven to exist. The first is that the hon. Member for Diego Martin Central made the statements knowing full well that they were false. I rule that I have heard nothing in the submission made by the hon. Member for Couva South to convince me of this.

The second is that the hon. Member for Diego Martin Central made these statements which he did not believe to be true. I also find that the facts presented by the hon. Member for Couva South are insufficient to support this conclusion.

The third is that the Member made statements without due care and attention and negligently asserted in the House something about the conduct of another Member which he claimed to be true, but which turned out to be false. Under this ground, a Speaker must be satisfied that, at a first glance, there is some evidence that the statement made in this House was inaccurate. In the present situation any possibility of inaccuracy is all the more significant given the serious nature of the allegations made which relate to the official conduct of a Member of this House and touches on sensitive issues concerning the administration of matters of national security.

In considering this matter, I have noted that at the time the statement was made in this House, no point of order was raised by any Member. I find it

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necessary therefore to remind hon. Members that it is your right as well as your duty to immediately call attention to any seeming infringement of the Standing Orders of this honourable House and to obtain a ruling from the Chair.

10.50 a.m.

Nonetheless, I have also noted that at the very next sitting of this House on Friday, March 23, 2001, the hon. Member for Couva North, made a ministerial statement in which he strongly refuted allegations made by the hon. Member for Diego Martin Central, and placed on the record of this House a statement issued on behalf of the Chief of Defence Staff which supported his position.

I have also considered the statement made by the hon. Member for Diego Martin Central at the sittings of Friday, March 23, 2001, and on last Monday, May 07, 2001 in which he implied that there was a degree of inaccuracy in the statement made by him on Friday, March 16, 2001, insofar as his reference should have been to the Coast Guard and not the Army.

Hon. Members, having regard to all the information before me, which I have carefully considered, I am satisfied that, prima facie, there is some evidence that the statement made in the House by the hon. Member for Diego Martin Central on Friday, March 16, 2001 was inaccurate. I, therefore, refer this matter to the Committee of Privileges of the House of Representatives for its consideration and report.

The first meeting of the Committee will be held on a date to be fixed and Members of the Committee will be informed of this date by the Clerk of House.

I so rule.

PAPERS LAID

1. Report of the Auditor General on the accounts of the Strategic Services Agency for the nine-month period ended September 30, 1998. [*The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj)*]
2. Report of the Auditor General on the accounts of the Airports Authority of Trinidad and Tobago for the years ended December 31, 1998 and December 31, 1999. [*Hon. R. L. Maharaj*]
3. Report of the Auditor General on the accounts of the Environmental Trust Fund for the nine-month period ended September 30, 2000. [*Hon. R. L. Maharaj*]

Papers 1 to 3 to be referred to the Public Accounts Committee.

ORAL ANSWERS TO QUESTIONS

**Judicial Complex
(Arima)**

9. Miss Penelope Beckles (*Arima*) asked the Attorney General and Minister of Legal Affairs:

Could the Minister state:

- (a) When is construction work expected to begin on the Judicial Complex in Arima?
- (b) The estimated cost of the project?
- (c) The expected date of completion of the said project?

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, the need for improved facilities for the administration of justice in Arima has been on the agenda of successive administrations, dating back to 1987. The records will show that several attempts have been made over the years to develop appropriate infrastructure to meet the needs of the people of Arima and environs.

When this administration assumed office in 1995, it inherited the Arima Judicial Complex Project which was intended to design, construct and outfit a new Magistrates' Court, as well as a new High Court in the Borough of Arima at an estimated cost of \$66,500,000.

My Ministry moved with great urgency to ensure that the project as conceptualized would meet the needs of the residents of Arima, and other potential users. We, therefore, engaged in consultation with the Chief Justice, who indicated that there was no need for a High Court in Arima based on the following factors:

1. The construction of the new High Court would have no impact on the drive to reduce the backlog of cases because the existing capacity of the Assizes was not being fully utilized.
2. There were some courtrooms in the Hall of Justice, Port of Spain, which were not being utilized.
3. Due to the bottleneck occurring at the preliminary inquiry stage in the then Magistrates' Court, a larger number of preliminary inquiries were pending.

Mr. Speaker, the above clearly illustrates that the Government could not continue the project as conceptualized, as it would have resulted in a wanton

waste of public funds. The Government accepted the recommendations of the Chief Justice and moved swiftly to change the scope of the project, and at the same time, steps were taken in 1996 to obtain additional office space at the premises at No. 5 Hollis Avenue to allow for the extension of the Magistrates' Court in Arima.

Funds were expended to prepare the additional office space acquired in an effort to provide some measure of immediate relief to the staff and users of the Magistrates' Court. In September 1998, the Government further agreed to additional improvements at the Arima Magistrates' Court and, subsequently, the Ministry went through the process of engaging in consultation with the users of the Magistrates' Court before embarking on improvement works. It was found that the building and its facilities were neglected for years. The magistrates, lawyers and other staff were operating under extremely deplorable conditions. The adverse working conditions included inadequate holding facilities for prisoners, unreliable and non-functional toilet facilities, the frequent breakdown of the air-conditioning system and the lack of facilities for lawyers and clients to interact. As a matter of fact, on Thursday, April 15, 1999, the lawyers and staff refused to work under the conditions at the courthouse, and staged an open protest. On Saturday, April 17, 1999 after visiting the Magistrates' Court and seeing the appalling conditions, it was decided that there would be a meeting to try and redress some of problems.

Mr. Speaker, following that visit, a contract was awarded to MTS and steps were taken to install new airconditioning systems in the court rooms and offices; to improve and upgrade the toilet facilities; to strengthen and enlarge the prisoners holding cell; to create a lawyers' conference room; to provide new furniture in certain offices and to establish a Third Court or a Petty Civil Court actions for the very first time in the Arima Magistrates' Court.

In addition, a contract was also awarded to NIPDEC to complete all of the designs for a new Arima Magistrates' Court. To facilitate this process and to ensure that the new accommodation would truly satisfy the needs of the Arima community and its environs, my Ministry engaged in extensive consultation with all potential stakeholders and users during the planning and designing stages.

At this time, PITCOTT the state agency selected to construct the new Arima Magistrates' Court is in the process of carrying out the tendering and valuation exercise.

The construction of the proposed Arima Magistrates' Court is expected to commence in June 2001. The deadline for the submission of contractors' proposals is May 8, 2001, and the evaluation process is expected to be completed within three weeks.

The estimated cost of the project is \$14 million inclusive of project management fees, other fees, and VAT. The construction period for the project is estimated to be 20 months. The expected completion date is, therefore, February 2003.

Thank you very much, Mr. Speaker.

**Blanchisseuse Main Road
(Repairs to)**

10. Miss Penelope Beckles (Arima) asked the Minister of Infrastructure Development and Local Government:

Would the Minister state:

- (a) When will his Ministry commence repair work on the landslide at the 1½ mile mark on the Blanchisseuse Road?
- (b) The estimated cost of repairs?
- (c) The expected date of completion of the said repairs?

The Minister of Infrastructure Development and Local Government (Hon. Carlos John): Mr. Speaker, work on the landslide at the 1½ mile mark on the Blanchisseuse Road will commence during this fiscal year, 2001/2002.

The estimated cost of the landslips and other repairs thereto, will depend on the tests to be undertaken, and the designs that would be finally arrived at.

Repairs to the landslip will be completed within a period of six months from start-up of works on these landslides.

Thank you, Mr. Speaker.

11.00 a.m.

**Aripo Main Road
(Repairs to)**

11. Miss Penelope Beckles (Arima) asked the hon. Minister of Infrastructure Development and Local Government:

Could the hon. Minister state:

- (a) When will his Ministry commence paving the Aripo Main Road including repairs to the landslides and landslips on the said road?
- (b) The estimated cost of the repairs?
- (c) The expected date of completion of the said repairs?

The Minister of Infrastructure Development and Local Government (Hon. Carlos John): Mr. Speaker, paving of the Aripo Main Road, including repairs to the landslides and landslips on the said road, will commence within this fiscal year, 2001—2002.

Repairs to the Aripo Main Road are expected to cost \$8.3 million. These works will include repairs to landslips, drainage works, road works, reconstruction of four wooden bridges, installation of Amco railings, which are guard rails, and a head wall construction.

The repairs referred to above will take approximately nine months for completion from date of start-up of works.

COAST GUARD RECRUITMENT

The Prime Minister and Minister of National Security (Hon. Basdeo Panday): Mr. Speaker, I take this opportunity, under this item of the agenda to fulfil an undertaking I gave to this honourable House on Monday last.

This honourable House will recall that the hon. Member for Diego Martin Central requested supplemental information relating to the House of Representatives question No. 8, which dealt with the recruitment of officers. He requested the number of persons who passed the written examination for the Coast Guard Recruit Intake No. 39 and the list of names which Captain Swaratsingh, in his press statement dated March 22, 2001, said was sent to the Minister of National Security, the hon. Prime Minister.

The answer is as follows, Mr. Speaker:

The hon. Prime Minister is advised that the list of persons who passed the written examination has already been forwarded to the Clerk of the House.

I ask that that be laid on the table and circulated as I did with the other list.

With respect to the second question, the hon. Prime Minister is advised that while at the time of Captain Swaratsingh's statement no list had reached the Ministry of National Security, such a list was, however, subsequently forwarded on May 03, 2001, a copy of which is attached to my brief, but which, I understand, was in fact, laid on the last occasion. That is the list of 104. The list I was talking about—that is the list of people passing—that is 511 persons.

It is to be noted that this list, which provides the name of 104 selectees of Intake No. 39, has already been provided to the Clerk of the House.

PILOTAGE (AMDT.) BILL

Bill to amend the Pilotage Act, Chap. 51:02 [*The Minister of Transport*]; read the first time.

LAND ACQUISITION

The Minister of Housing and Settlements (Hon. Sadiq Baksh): Mr. Speaker, I beg to move,

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

Some of the matters before this honourable House have been in the system for an extremely long time—in some cases over three decades. I can go into reasons for each delay, but I do not think this approach will solve the problem.

Let me, first of all, outline the process

Mr. Speaker: I see you also have a supplemental attached to that list with some of the same matters. Do you propose to deal with both of them at the same time?

Hon. S. Baksh: Yes, I do. Mr. Speaker, with your leave and with the leave of this House, may I be permitted to include the Motion which is on the Supplemental Order Paper?

Mr. Speaker: Let me then get the leave of the House to have that done.

Question put and agreed.

Hon. S. Baksh: Mr. Speaker, the process for the acquisition of land is governed by Land Acquisition Act No. 28 of 1994 and is undertaken in three stages. The first stage, section 3 of the Land Acquisition Act, involves the publication in the *Trinidad and Tobago Gazette*, of the intended acquisition, on the notification of the land owner.

The second stage, section 4 of the Land Acquisition Act, involves gaining access or possession of the land to commence work. The third stage, section 5 of the Land Acquisition Act, involves the formal acquisition of land.

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At each stage of the land acquisition process, there are activities which require the input of various state agencies, for example, the Lands and Surveys Division, the Town and Country Planning Division and the Valuation Division. In fact, from as early as receiving a request from a ministry or authority, they will then proceed to the Lands and Surveys Division, the Valuations Division, the Chief State Solicitor, the Ministry of Housing and Settlements, the Ministry of Finance, then on to Cabinet, Parliament—like we are doing now—the Ministry of Information, the Revenue Officer in the Warden's Office, the Registrar General, the Accounting Unit of the Ministry of Housing and Settlements, the Government Printery, Town and Country Planning and the office responsible for property management.

Mr. Speaker, over the years, the process of land acquisition has been sometimes long and exhaustive due to a number of related problems. These problems are as follows:

- (1) failure of the requesting agencies of ministries to provide the relevant documentation on a timely basis for the initiation of the acquisition proceedings;
- (2) the time expended in the negotiation process on the compensation payable to land owners; and
- (3) the fund available for land acquisition.

These are the administrative problems. However, there are many other reasons, which have served to delay some of the acquisitions before us today. I am here today to try to resolve these matters as expeditiously as possible. The Ministry would try to complete the backlog by simultaneously working on current issues so as to ensure that these are not allowed to accumulate and become tomorrow's backlog.

Mr. Speaker, I move that this honourable House approve the decision of the President to formally acquire a parcel of land comprising 2,277.4 square metres, more or less, situated off the extension of Lambeau Cemetery Street, Lambeau, in the ward of Tobago, in the parish of St. Andrew and belonging to David Elder.

The subject acquisition is at the request of the Minister of Infrastructure Development and Local Government. Proceedings for the acquisition of the land were initiated on August 15, 1974, 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 September 09, 1974.

The site formed part of a larger parcel comprising 4,047 hectares and possesses all urban services. Mr. Speaker, this final step in the process is both necessary to acquire formally the subject parcel and to expedite the compensation to Mr. David Elder.

The procedure for land acquisition for public purposes is standard and as such, matters have been previously brought before this honourable House. On this occasion, we are honoured to continue the process.

11.10 a.m.

Mr. Speaker, the other parcel is also to approve the decision of the President to acquire a parcel of land comprising 13.0756 hectares, more or less, situated at Caroni Village in the ward of Tacarigua, in the county of St. George, bounded by the Caroni River to the north, Caroni South Bank Road to the south, a burial ground to the east a recreation ground and other lands to the west and said to belong now or formerly to Caroni (1975) Limited.

This parcel of land is to be acquired to be utilized under the Government's National Settlements Programme. The Government is committed to the principle that adequate and affordable housing and shelter be made available to citizens of Trinidad and Tobago. It is also committed to the national and physical development of Trinidad and Tobago, which includes establishing viable self-sustaining settlements. One component of the national physical development is facilitating the development and allocation of land at affordable prices for shelter construction.

Further, Mr. Speaker, the Government is moving to have this acquisition completed in an expeditious manner, as this parcel of land was identified for development under the Inter-American Development Bank Assisted First National Settlements Programme which comes to an end on September 30, 2001.

Information on the parcel of land could be found on a survey plan GA 115 in the vault of the Lands and Surveys Department, Red House, Port of Spain. This procedure for acquisition of land for public purposes is standard. The proceedings for the acquisition of this particular piece of land started in the year 2001. We have not yet occupied these lands, but we are making the appropriate moves to acquire it so that it would not continue to be a backlog in the future.

Mr. Speaker, I also seek your approval on the decision of the President of the Republic of Trinidad and Tobago to formally acquire a parcel of land comprising 40.1062 hectares, more or less, containing several parcels of varying sizes situated

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between the Toruba Overpass, Toruba, San Fernando and Cross Crossing Roundabout, in the ward of Naparima and in the county of Victoria. The acquisition is at the request of the Minister of Infrastructure Development and Local Government and is for the purpose of the extension of the Solomon Hochoy Highway and related works.

Proceedings for the acquisition of land were initiated on January 05, 1996, when the notice of intended acquisition was published under section 3 of the Land Acquisition Act. This was followed by the authority to commence work under section 4 of the said Act on February 18, 1998. The Government, acting upon its commitment to improve the quality of life for our citizens, has sought, through this project, to facilitate access to the urban areas for the wider cross-section of our society. The various components of the project are to, therefore, accomplish the following: The extension of the Solomon Hochoy Highway; construction of a connector road from Golconda through the sugarcane lands of Caroni (1975) Limited and the National Housing Authority Cross Crossing Development to Cross Crossing Roundabout at Union Hall Junction; the dualling of the San Fernando Bye-Pass on its eastern side from Chaconia Avenue, Pleasantville on the north to Cross Crossing Roundabout on the south. This, again, is standard procedure for the acquisition of lands.

Mr. Speaker, I further move that this honourable House approve the decision of the President to formally acquire a parcel of land comprising 0.2082 of a hectare, more or less, situated at the intersection of the Claude Noel Highway and the Northside Road, in the ward of Tobago and in the parish of St. Andrew, and said to belong to Mr. Errol Scott. The subject acquisition is at the request of the Minister of Infrastructure, Development and Local Government. The parcel of land forms part of a strip of land approximately 10 miles long, varying in width from 36 feet to 250 feet and comprising approximately 200 acres, situated in the parish of St. Andrew and St. Patrick in the ward of Tobago, which was utilized for public purpose of the construction of the Scarborough Parkway, now known as the Claude Noel Highway.

The subject acquisition is for an isolated parcel, which has only been recently surveyed. Proceedings for the acquisition of the land were initiated on August 15, 1974, when a notice of intended acquisition was published under section 3 of the Land Acquisition Act. The authority to commence work under section 4 was issued on September 09, 1974. The site is vacant, bounded by suburban residential use and possesses all urban services such as water, electricity and telephone access.

The Claude Noel Highway has significantly contributed to the achievement of the aim in Tobago to the benefit of locals and tourists alike. It is now necessary that this formal step be taken to formally acquire this parcel and to expedite compensation to the owner, Mr. Errol Scott.

Mr. Speaker, I further move that this honourable House approve the decision of the President to formally acquire a parcel of land 319.4 square metres, more or less, situated on Auchenskeoch/Buccoo Road, Tobago, in the ward of Tobago and in the parish of St. Patrick and said to belong to Mr. Alston Thomas. The subject acquisition is at the request of the Minister of Infrastructure Development and Local Government. Proceedings for the acquisition of the said parcel of land were initiated on October 01, 1981, where the notice of intended acquisition was published under section 3 of the Land Acquisition Act. Authority to commence work under section 4 was issued on December 02, 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 been recently surveyed. The development of Auchenskeoch/Buccoo Road has greatly facilitated access into and out of Buccoo and its environs, and promoted a sense of safety among the motoring public. The procedure for the acquisition of land for public purpose is standard and as such, matters have previously been before this honourable House and on this occasion we are, again, pleased to bring it forward.

Mr. Speaker, I further move that this honourable House approve the decision of the President to formally acquire a parcel of land comprising 421.5 square metres, more or less, situated along the Uriah Butler Highway, Warner Village, Charlieville, in the ward of Cunupia and in the county of Caroni, and said to belong now or formerly to Mr. Sewnarine Maharaj. The Minister of Infrastructure Development and Local Government has requested that this parcel of land be acquired for the purpose of constructing a feeder road parallel to the Uriah Butler Highway so as to promote safer access to that particular area.

It must be noted that as far back as 1979, both bridges to facilitate the development of this particular feeder road were initiated. Proceedings for the acquisition of the parcel of land were initiated on July 05, 1979, when a notice of intended acquisition was published under section 3 of the Land Acquisition Act and authority to commence work under section 4 of the said Act was issued on July 31, 1979.

11.20 p.m.

The Government, in keeping with its policy to improve the country's infrastructure, has embarked upon improvement works on roads and highways throughout Trinidad and Tobago. These improvement works, when completed, will facilitate greater access to urban areas and centres of commerce, recreation, education and employment. It is now necessary that this final step be taken to formally acquire the subject parcel and expedite compensation to its owner, Mr. Sewnarine Maharaj.

Mr. Speaker, information on the parcel of land can be found in the survey plan filed in book 1140, folio 223 in the vault of the Lands and Surveys Division, Red House, Port of Spain.

I further beg to move that this honourable House approve the decision of the President to formally acquire two parcels of land comprising 1,771.3 square metres, more or less situated at First Street, San Juan, in the ward of St. Ann's in the county of St. George, and said to belong now or formerly to Aranguez Estates Limited and currently tenanted by M. Keen and Aziz Ali. The Minister of Infrastructure Development and Local Government has requested that the parcels of land be acquired for the purpose of the extension of the San Juan market.

Proceedings for the acquisition of the parcel of land were initiated on December 08, 1998, when a notice of intended acquisition was published under section 3 of the Land Acquisition Act. Authority to commence work, under section 4 of the said Act, was issued on October 18, 1999. Mr. Speaker, the Government through its ministries and agencies has provided infrastructure to facilitate economic activity in communities, and the extension of the San Juan market is one such initiative. Information on the parcels of land can be found on a survey plan filed in book 1243, folio 36, in the vault of the Lands and Surveys Division, Red House, Port of Spain.

Once again, this procedure for the acquisition of land for public purposes is standard and we have brought these arrangements before this House from time to time. On this occasion, I am again honoured to continue to move this process forward.

I beg to move.

Question proposed.

The Minister of Housing and Settlements (Hon. Sadiq Baksh): Mr. Speaker, since these matters are standard and we have not had any debate on them, I beg to move.

Question put and agreed to.

Resolved:

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

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>1. The parcel of land containing 2277.4 square metres more or less, situate off the extension of Lambeau Cemetery Street, Lambeau in the parish of St. Andrew in the ward of Tobago described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated April 21, 1995 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 2277.4 square metres more or less, situate off the extension of Lambeau Cemetery Street, Lambeau, in the parish of St. Andrew in the Ward of Tobago and said to belong now or formerly to David Elder.</p> <p>This parcel is more particularly shown coloured raw sienna on a survey plan filed in book 1140 folio 181 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	<p>Construction of the Claude Noel Highway</p>
<p>2. The parcel of land containing 13.0756 hectares more or less, situate at Caroni Village in the ward of Tacarigua in the county of St. George and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated August 28, 1995 and filed in his office is required for a public purpose.</p>	<p>For the National Housing Authority, to be utilized under the IDB National Settlements Programme</p>

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p style="text-align: center;"><u>SCHEDULE</u></p> <p>A parcel of land comprising 13.0756 hectares more or less, situate at Caroni Village in the Ward of Tacarigua in the County of St. George, bounded by the Caroni River to the north, Caroni South Bank Road to the south, a burial ground to the east, a recreation ground and other lands to the west, and said to belong now or formerly to Caroni (1975) Limited.</p> <p>This parcel is more particularly shown coloured raw sienna on a survey plan filed Plan GA 115 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p> <p>3. Several parcels of land together containing 40.1062 hectares more or less, situate between the Toruba Overpass, Toruba, San Fernando and Cross Crossing Roundabout, in the ward of Naparima, in the county of Victoria and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated November 23, 1998 and filed in his office are required for a public purpose.</p> <p style="text-align: center;"><u>SCHEDULE</u></p> <p>Several parcels of land together containing 40.1062 hectares more or less, situate between the Toruba Overpass, Toruba, San Fernando and Cross Crossing Roundabout, in the ward of Naparima, in the county of Victoria and further described as follows:</p> <p>(a) a parcel of land comprising 85,901 square metres more or less, said to belong now or formerly to Caroni (1975) Limited;</p>	<p>Extension of the Solomon Hochoy Highway</p>

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>(b) a parcel of land comprising 593.3 square metres more or less, said to belong now or formerly to Johamiah;</p> <p>(c) a parcel of land comprising 714.8 square metres more or less, said to belong now or formerly to Valina Herbert;</p> <p>(d) a parcel of land comprising 636.2 square metres more or less, said to belong now or formerly to Carmen Corolla;</p> <p>(e) a parcel of land comprising 889 square metres more or less, said to belong now or formerly to Marcus Nelson;</p> <p>(f) a parcel of land comprising 491.3 square metres more or less, said to belong now or formerly to the heirs of Collymore;</p> <p>(g) a parcel of land comprising 898.8 square metres more or less, said to belong now or formerly to Garth Andrew Lamsee;</p> <p>(h) a parcel of land comprising 695.4 square metres more or less, said to belong now or formerly to Pauline Marshall;</p> <p>(i) a parcel of land comprising 29.7 square metres more or less, said to belong now or formerly to Myrtle Yearwood;</p> <p>(j) a parcel of land comprising 48,505 square metres more or less, said to belong now or formerly to East San Fernando Housing Development Limited;</p> <p>(k) a parcel of land comprising 114,023 square metres more or less, said to belong now or formerly to Caroni (1975) Limited;</p>	

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>(l) a parcel of land comprising 38,529 square metres more or less, said to belong now or formerly to Caroni (1975) Limited;</p> <p>(m) a parcel of land comprising 515.8 square metres more or less, said to belong now or formerly to heirs of Irvin Jaggernauth;</p> <p>(n) a parcel of land comprising 483.8 square metres more or less, said to belong now or formerly to heirs of Irvin Jaggernauth;</p> <p>(o) a parcel of land comprising 479.7 square metres more or less, said to belong now or formerly to heirs of Irvin Jaggernauth;</p> <p>(p) a parcel of land comprising 477.2 square metres more or less, said to belong now or formerly to heirs of Irvin Jaggernauth;</p> <p>(q) a parcel of land comprising 481 square metres more or less, said to belong now or formerly to Ramraj Ghesiawan;</p> <p>(r) a parcel of land comprising 511.2 square metres more or less, said to belong now or formerly to Harryram Nanan;</p> <p>(s) a parcel of land comprising 534.7 square metres more or less, said to belong now or formerly to Frankie Rampersad;</p> <p>(t) a parcel of land comprising 514.3 square metres more or less, said to belong now or formerly to Bashir Shah and others;</p> <p>(u) a parcel of land comprising 3,049 square metres more or less, said to belong now or formerly to Ramrattan Rampersad and Abrajie Rampersad;</p>	

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>(v) a parcel of land comprising 13,203 square metres more or less, said to belong now or formerly to Clyde Brahim;</p> <p>(w) a parcel of land comprising 68,944 square metres more or less, said to belong now or formerly to Caroni (1975) Limited;</p> <p>(x) a parcel of land comprising 533 square metres more or less, said to belong now or formerly to Shurland and Helenese Rahaman;</p> <p>(y) a parcel of land comprising 620.1 square metres more or less, said to belong now or formerly to Lalan Bhagirath;</p> <p>(z) a parcel of land comprising 489.8 square metres more or less, said to belong now or formerly to Joseph and Denzil Indar;</p> <p>(aa) a parcel of land comprising 35.8 square metres more or less, said to belong now or formerly to the heirs of Knolly Straker;</p> <p>(bb) a parcel of land comprising 364.1 square metres more or less, said to belong now or formerly to Sookdeo Samadeen;</p> <p>(cc) a parcel of land comprising 7,991 square metres more or less, said to belong now or formerly to Kissundath and Bissoondath Mahabir;</p> <p>(dd) a parcel of land comprising 2,517 square metres more or less, said to belong now or formerly to H.R. Moonan;</p> <p>(ee) a parcel of land comprising 315.2 square metres more or less, said to belong now or formerly to Presentation College;</p>	

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>(ff) a parcel of land comprising 2,203 square metres more or less, said to belong now or formerly to Southland Mall;</p> <p>(gg) a parcel of land comprising 889 square metres more or less, said to belong now or formerly to Industrial Bags Limited/Caribbean Farm and Poultry Distribution Limited;</p> <p>(hh) a parcel of land comprising 541.2 square metres more or less, said to belong now or formerly to Queensway;</p> <p>(ii) a parcel of land comprising 397.4 square metres more or less, said to belong now or formerly to Queensway;</p> <p>(jj) a parcel of land comprising 410.4 square metres more or less, said to belong now or formerly to Union Steel and Hardware Limited;</p> <p>(kk) a parcel of land comprising 75.9 square metres more or less, said to belong now or formerly to Laing;</p> <p>(ll) a parcel of land comprising 169.3 square metres more or less, said to belong now or formerly to Laurie Mc Lean;</p> <p>(mm) parcel of land comprising 16.1 square metres more or less, said to belong now or formerly to Laurie Mc Lean;</p> <p>(nn) a parcel of land comprising 334.9 square metres more or less, said to belong now or formerly to Union Steel and Hardware Limited;</p> <p>(oo) a parcel of land comprising 45.3 square metres more or less, said to belong now or formerly to Caroni (1975) Limited;</p>	

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>(pp) a parcel of land comprising 1,457 square metres more or less, said to belong now or formerly to Caroni (1975) Limited;</p> <p>(qq) a parcel of land comprising 357.5 square metres more or less, said to belong now or formerly to Green Acres;</p> <p>(rr) a parcel of land comprising 78.5 square metres more or less, said to belong now or formerly to A. Rahamut;</p> <p>(ss) a parcel of land comprising 90.5 square metres more or less, said to belong now or formerly to W. Bernard; and</p> <p>(tt) a parcel of land comprising 30 square metres more or less, said to belong now or formerly to W. Bernard.</p>	
<p>4. These parcels are more particularly shown coloured raw sienna on a survey plan filed as AN 185A to AN 185M in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p> <p>The parcel of land comprising 0.2082 of a hectare more or less, situate at the intersection of the Claude Noel Highway and the Northside Road in the ward of Tobago in the parish of St. Andrew and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated August 13, 1997 and filed in his office is required for a public purpose.</p>	<p>The Claude Noel Highway</p>
<p><u>SCHEDULE</u></p>	
<p>A parcel of land comprising 0.2082 of a hectare more or less, situate at the intersection of the Claude Noel Highway and the Northside Road in the ward of Tobago in the parish of St. Andrew and said to belong now or formerly to Mr. Errol Scott.</p>	

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>This parcel is more particularly shown coloured raw sienna on a survey plan filed in book 1140, folio 214 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p> <p>5. 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 June 4, 1997 and filed in his office is required for a public purpose.</p> <p style="text-align: center;"><u>SCHEDULE</u></p> <p>A parcel of land comprising approximately 319.4 square metres situate at the corner of Jan De Mar Trace and Auchenskeoch/Buccoo Road, Tobago 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> <p>6. The parcel of land containing 421.5 square metres more or less, situate along the Uriah Butler Highway, Warner Village, Charlieville, in the ward of Cunupia, in the county of Caroni and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated December 5, 1997 and filed in his office is required for a public purpose.</p>	<p>Development of the Auchenskeoch/Buccoo Road, Tobago</p> <p>Construction of Feeder Road parallel to the Uriah Butler Highway</p>

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p style="text-align: center;"><u>SCHEDULE</u></p> <p>A parcel of land comprising 421.5 square metres, more or less situate along the Uriah Butler Highway, Warner Village, Charlieville, in the ward of Cunupia, in the county of Caroni, and said to belong now or formerly to Sewnarine Maharaj.</p> <p>The parcel is more particularly shown coloured raw sienna on a survey plan filed in book 1140, folio 223 in the vault of the Lands and Surveys Division, Red House, Port of Spain.</p> <p>7. The two parcels of land together comprising 1,771.3 square metres more or less, situate at First Street, San Juan, in the ward of St. Ann's, in the county of St. George and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated May 26, 2000 and filed in his office is required for a public purpose.</p> <p style="text-align: center;"><u>SCHEDULE</u></p> <p>The parcels of land together comprising 1,771.3 square metres, more or less situate at First Street, San Juan, in the ward of St. Ann's, in the county of St. George, and said to belong now or formerly to Aranguez Estates Limited and currently tenanted by Eulaline M. Keen and Aziz Ali.</p> <p>The parcel is more particularly shown coloured raw sienna on a survey plan filed in book 1243, folio 36 in the vault of the Lands and Surveys Division, Red House, Port of Spain.</p>	<p>Extension of the San Juan Market</p>

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>8. The parcel of land containing 116.9 square metres more or less, situate on the eastern side of Store Bay Local Road 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 October 26, 1999 and filed in his office is required for a public purpose:</p> <p style="text-align: center;">SCHEDULE</p> <p>The parcel of land comprising 116.9 square metres more or less, situate on the eastern side of Store Bay Local Road in the ward of Tobago in the parish of St. Patrick and said to belong now or formerly to TATECO Credit Union Co-operative Society Limited.</p> <p>A parcel is more particularly shown coloured raw sienna on a survey plan filed in book 1243, folio 25 in the vault of the Lands and Surveys Division, Red House, Port of Spain.</p>	<p>Road Improvement</p>
<p>9. A parcel of land comprising 0.8450 of a hectare more or less, situate along the Uriah Butler Highway in the vicinity of Mt. Hope in the ward of Tacarigua in the county of St. George and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated March 5, 1999 and filed in his office is required for a public purpose.</p> <p style="text-align: center;"><u>SCHEDULE</u></p> <p>A parcel of land comprising 0.8450 of a hectare more or less situate along the Uriah Butler Highway in the vicinity of Mt. Hope in the ward of Tacarigua in the county of St. George and said to be leased to the University of the West Indies.</p>	<p>Construction of an Electrical Sub-station by the Trinidad and Tobago Electricity Commission</p>

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
This parcel is more particularly shown coloured raw sienna on a survey plan filed in book 1243, folio 15 in the vault of the Lands and Surveys Division, Red House, Port of Spain.	

SPECIAL RESERVE POLICE (AMDT.) BILL

[Second Day]

Order read for resuming adjourned debate on question [May 7, 2001]:

Mr. President: The Attorney General and Minister of Legal Affairs had completed his presentation of the Bill.

Miss Penelope Beckles (Arima): Mr. Speaker, I rise to make my contribution on the Special Reserve Police (Amdt.) Bill. There are just a few comments I would like to make. At clause 6(2) where it says:

“No person shall be appointed a member of the Special Reserve Police unless he has...—”

I want to suggest that that should be “passed a medical examination conducted by a medical practitioner that is registered under the Medical Profession Act”, rather than just have “conducted by a medical practitioner”, so as to avoid the risk that the persons who are conducting those medical tests are not properly recognized by the Medical Profession Act.

Dealing with that same clause, that is to say, a drug test now being mandatory for the persons who have been recruited, is an important section that has been included. I know that this is a matter that they have been trying for some time as well to include in the police service, that is, for both persons now seeking to enter and present members of the police service. I have heard, even up to recently, members of the Police Service Association mention that, and I hope as well that that matter would be one which we would bring again, as soon as possible.

Mr. Speaker, regarding the other matter as it relates to this Bill, I just want to turn to clause 6(2)(b), which deals with the powers of the police commissioner as it relates to a person:

“successfully completed...entry examination as may be determined by the Commissioner;”

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[MISS BECKLES]

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Then subclause (c) says:

“successfully completed the requirements of such initial course of training as may be determined by the Commissioner.”.

My comment has nothing to do with personalities, but I would like the Attorney General just to indicate whether or not in such a situation it should not be more than one person, rather than one person, who has such wide powers in terms of determining whether the person has passed or successfully completed their training.

I was looking for the corresponding section in the police manual. I did not see it, so I do not know if that is how it is done in the other place. I would just like to suggest that in matters of issues as critical as passing examinations and determining people's requirements, that sometimes when you have just one person who has the total and absolute authority to decide, you run the risk of people feeling that they may not have been fairly treated. As I said, I have not seen what pertains as it relates to the police service recruits or even some of the other areas relating to national security. I would think, for example, that the Police Service Commission, similar to the other commissions, may be a suggestion.

As it relates to clause 2, insofar as the special reserve police in the different boroughs and regional corporations, you would find that, from time to time, when there are functions in different districts, that the special reserve officers are very often shortchanged, and I can speak from my experience now. For example, in the Arima Borough Corporation when there is a function, very often, the police officers tend to get, I would say, the bigger bite of the cherry, and for the special reserve officers attached to the different corporations, very often, in terms of the private work, there is not sufficient collaboration. I think once this is regularized it is hoped that they would probably work a lot closer towards changing that situation. I think that would help a lot more in terms of the district being covered in a way that would benefit the communities.

Mr. Speaker, clause 7(i) states:

“medical attention and examination of any member of the Special Reserve Police who sustains injury whilst on duty;”

There is no mention as to whether or not there would be any compensation for injury as distinct from medical attention. So I do not know if that is deliberate or if it is that the Bill is only restricted to medical attention for injury as distinct from compensation.

As it relates to the other clauses that deal with compensation for widows and the fact that the Bill recognizes a posthumous child, a stepchild and cohabitational relationships, it is a very revolutionary piece of legislation. I do not know that there is any other legislation that has so recognized cohabitational relationships, posthumous and stepchildren, so I think that this piece of legislation is very creative and can be used certainly for several other pieces of legislation that would come before the Parliament.

I am sure that it would make life a lot easier, in terms of claims by persons now living in common-law relationships, for them to be compensated when their spouses are injured while on duty. I am extremely pleased that that inclusion and recognition of the Cohabital Relationships Act and all other relationships that flow from that, are given recognition, so there is no issue of anyone not being certain that those persons are properly covered under this Bill.

The last area that I would like to deal with is that whilst this Special Reserve Police (Amdt.) Bill would now, as they say, update the qualifications for appointments and clarify the meaning of certain terms, I would also ask, in terms of the other support services that not just the special reserve police may need, but the police in general and other areas in the national security, that is to say, for example, vehicles, sometimes very basic things, the summons pad, the handcuffs and so on, to ensure that the special reserve police and the police in general are able to complete their work and do their work as best as they could, we would also need some improvement in those areas.

Those of us who would have been reading the newspapers over the last couple of months would have realized that crime has now increased to alarming proportions. Therefore, when we deal with these Bills that deal with improvement of our nation's security, it is always very important for us to recognize that the indicators tell us that we need to continue to ensure that those who are responsible for looking after our well-being and protecting us, need to have all that is necessary, in one instance, to prevent crime and in other instances, that where crime has taken place, to ensure that they have all that is necessary for persons to be brought to the courts as soon as possible, and that justice is expedited.

The recent statistics tell us now that, to date, we have had anything in excess of 55 murders for the year. That is telling us that we are having almost 12 murders a month. Compared to last year's, figures of 27, it means that in a short space of time we have actually doubled the number of murders. It tells us that we need to do a lot more work to ensure, if by the end of the year, at the rate that we are going, we do not exceed maybe 200 or 300 murders.

11.35 a.m.

I would just like to end by saying that in terms of the support services, it is necessary and it is also helpful, I guess, for the Special Reserve Police and our police service to work together and that would make things a lot easier.

One of the comments that the police made yesterday in relation to that very unfortunate accident at Valsayn—and I would certainly want to take the opportunity to extend condolences to all the families who would have suffered the loss of loved ones yesterday—is that T&TEC had not informed the police service that there would have been a break in the electricity yesterday, and had the police known that, I suppose what they would have done was probably sent policemen to work at the various traffic intersections and, therefore, the likelihood is that we would not have had such a terrible fatality.

So, I want to suggest that sometimes the impression is created between special reserve police and our full-fledged police that there is not always full collaboration and coordination. Sometimes people feel there is an overlap, but I think the way that the Bill is now phrased and a lot of things have been clarified, this would leave room for them to work in harmony to make sure that the community benefits as much as possible.

Mr. Speaker, with those few comments, I support the Bill.

Mr. Jarrette Narine (*Arouca North*): Mr. Speaker, I would like to make a short intervention on this Bill to amend the Special Reserve Police Act, Chap. 15:03. While we support this Bill, and probably it is long overdue, there are some concerns that I would like to raise and bring to the attention of the Member for Couva South, the Attorney General, in passing this Bill today. It pertains to SRPs who have been—I would not want to use strong terms as victimization, but as I go through my submission you would realize that there are some concerns for SRPs who have attained the age of 55.

During the last term in this Parliament, the former Member for Tunapuna did raise a matter on the adjournment, and the then Minister of National Security gave him the commitment that something was being done to regularize the conditions of work for SRPs in Trinidad and Tobago, but first I would like to clarify a newspaper article this week from the *Newsday*, dated May 09, 2001 which stated that in part:

“It will be completed on Friday when the House continues...”

That pertains to this Bill.

“...because the Opposition was not prepared to debate the bill.”

I would like to clear that up and put on the record, Mr. Speaker, that we had consultation, the Chief Whip and the Leader of Government Business, and after the presentation of the Bill it was agreed that the House would be adjourned and the matter would be continued today. So, the newspaper article was not correct in saying that we were not prepared. We were not to debate on Monday. We were to debate today. So, I would like to correct that statement in the newspaper.

Mr. Speaker, I have with me copies of circulars which were sent out, and the first one I would like to read is as follows;

“Police Administration Building
Corner Sackville and Edward Streets
P.O. Box 387
Port of Spain
Republic of Trinidad and Tobago

Tuesday, May 16, 2000”

It was addressed to all members of the special reserve police and it reads as follows:

“Dear Sir/Madam,

**Absorption of Special Reserve Police Officers into the
Trinidad and Tobago Police Service**

I refer to the above subject and wish to inform you that the Legislative and Parliamentary Committee of Cabinet has agreed in principle that members of the Special Reserve Police who have been continuously employed on a full-time basis for periods in excess of two years be ‘absorbed’ into the Trinidad and Tobago Police Service only at the rank of Constable among others.

In order to operationalise the decisions taken by the Cabinet Legislative Committee, the Ministry of National Security would require that you indicate in writing if you wish to be absorbed as stated above.

It must be noted that all Special Reserve Police Officers who are fifty-five (55) years and over and on temporary whole time duty would be offered a package which is to be prepared by the Chief Personnel Officer. A similar package would be offered to Special Reserve Police Officers who are eligible for absorption but may not accept.

You are required to give your response in writing within three (3) days of your receipt of this notification whether you are interested in being absorbed into the

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Police service or you intend to accept the package to be offered by the Chief Personnel Officer.”

I read this circular, Mr. Speaker, because on that day, May 16, 2000, within a 24-hour period, I understand that all of the special reserve policemen got this circular. It was sent to them through the units, they were called on their wireless, they were telephoned, persons who were on vacation leave or sick leave, they sent it to their homes because they had three days to either reject or accept this offer. And this was signed by the Commissioner of Police, Mr. Snaggs.

So, Mr. Speaker, this was saying that special reserve policemen who were working on a full-time basis and had attained the age 55 would be offered the package and if they were less than 55 years, there must have been a cut-off point that they will be absorbed into the regular police service.

Mr. Speaker, I appeal to the Attorney General that there was no cut-off point at the age of 55 because there were special reserve policemen who applied and they had probably two or three months to attain the age 55 and they were not accepted. It meant that there was not a cut-off point, because if you were one day before 55 years of age when this circular was sent to you, and you would have responded saying that “I will be 55 years”—well this was sent on May 16—I would have been 55 years in June or July, then I would have applied to go into the regular police service, take my package and go into the regular police service.

My information is that persons who had three months to attain the age of 55 were rejected saying that when their training was completed, they would have crossed the age of 55. That is really unfair. If we are dealing, and we are saying that special reserve police officers have been ill-treated in the past, then most certainly, in trade union practice, in the good industrial agreement, when you say 55 you mean 55. If I am one week from 55, I am not yet 55 and I should have been accepted. So, I would like the Attorney General to look into this matter of persons who did not attain age 55 at the time this circular was sent out—this circular dated May 16, 2000—that they must be given some consideration.

Now, at that time, although the matter was raised in the Parliament by the Member of Parliament for Tunapuna at the time, there was a court matter where two SRPs had taken the Attorney General to the court and I just wanted to quote the date of this article which reads:

“SRPs win court battle for equitable terms as cops.”

It is dated Saturday, December 16, 2000. I just want to read parts of this article. It reads:

“When the lawmen's motion came up before Justice Humphrey Stollmeyer in the Port of Spain Third Civil Court, senior State attorney, Carol Hernandez informed the court that she had been instructed by the AG to settle the matter.”

Mr. Partap: Read the next side.

Mr. J. Narine: Mr. Speaker, the Minister of Labour, Manpower Development and Industrial Relations has done nothing for the last six years but read headlines in the newspapers. I knew he was looking at the other side of the newspaper. It says here in this article that the Attorney General asked senior state attorney, Carol Hernandez to settle the matter. It continues:

“However, Hernandez needed time to work out the terms of settlement.”

Justice Stollmeyer adjourned the matter to Monday with the hope that the settlement order will be finalised and possibly enter a consent order.”

Apparently, this was on Friday December 15, 2000 reported in the newspaper on the 16th. My investigation on this matter is that since we have had matters for the SRPs coming to the Parliament, that this matter is still with the Master of the Courts and no settlement was made.

So, there were persons who had taken the Attorney General to court and the matter was won in the court, and subsequent to that, there was this circular which went out to all SRPs on May 16. Mr. Speaker, on Friday, April 27 in the *Newsday*, there was another article which said:

"First ever female SRP now full-time cop."

[MR. DEPUTY SPEAKER *in the Chair*]

Within that article, the Commissioner of Police was saying that:

“SRPs who accepted this absorption underwent months of intense training and had to sit an examination. Those who did not accept, or who were nearing retirement, were given severance benefits and their services terminated.”

Mr. Speaker, I would like to inform you that this was not true. For SRPs who were given this circular on May 16, most of them were sent on vacation leave.

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11.50 a.m.

May I say at this point in time that a number of persons in Trinidad and Tobago were of the opinion that SRPs were treated badly. They had vacation leave if they were working on a regular basis. They also had 14 days' sick leave per year to submit to their departments. This is a fact. What has happened is, they have not received any payments up to this point in time. Over 160 SRPs who were not accepted because they were just short of a couple months to 55 years, were given their vacation leave and sent home. That was in May last year.

Almost one year has passed and no one has received any severance benefits from the Government. I have a copy of a letter here which was sent to the Royal Bank in Chaguanas from Mr. Wayne Richardson, Acting ASP, concerning a member whose name I will not mention. But I would like to indicate to you that this gentleman was owing the Royal Bank because he was not employed for almost one year now and was not given employment, and he was working for more than 25 years on a regular basis as an SRP. It states here: Retirement Benefits. The date is March 29, 2001:

“The Manager
Royal Bank
Chaguanas

I refer to the above subject and have to advise, that Mr...retired from the Special Reserve Police on January 01, 2001.”

Which was not true. From May 16, that gentleman got his 12 days' vacation leave which he was entitled to and he proceeded on leave. Right now, he is unemployed for almost a year. I continue:

“At present he is entitled to a Retirement Benefit...”

I would like the Attorney General to listen to this carefully—

“...Package of Seventy-eight Thousand, Seven Hundred and Forty-Six Dollars and Eighty-Seven Cents (\$78,746.87)...”

I am quoting a figure here which the gentleman will be allowed.

“This Retirement Benefit Package is presently being processed by the Police Department and should be payable by May 31, 2001.”

So that the article here, where the Commissioner of Police said that these people have been paid, is not true. Based on this letter to the Manager of the bank at Chaguanas, it is saying that the gentleman did not receive—and he is one of many

who has not received their severance benefits and they are at home now for almost one year.

This letter is telling the bank manager that a gentleman who has worked almost 30 years and more in the Special Reserve Police, is entitled to \$78,746.87. If he has been working for the last year, he probably would have made more money instead of waiting for this severance benefit after one year.

So while we are saying that we have treated special reserve policemen well over the years, this is what is taking place. These people must get their money. This letter states the end of May this year and I am certain that there will be some delays, because old age pensioners have not received their pensions as yet for this month and everybody is making excuses. This will keep going on and on. The people want their money; they need their money!

I am asking the Attorney General to look into this matter. It is very important. After knowing that they could have worked until 60 years of age—and I will come to that matter—they have been sent home at age 55 and under; people who were under 55 were sent home and they have not been working for an entire year now, and the Commissioner of Police stated that they got their severance benefits, which is not true.

Another circular went out from the Commissioner of Police on May 9, 2001. The subject is: “Separation Package”. It states:

“With reference to the above subject, be advised that the Cabinet by Minute # 1902 of October 11, 2000 agreed that:

- (a) A Separation Package to be offered to members of the Special Reserve Police who do not qualify for or who decline the option of Absorption into the Trinidad and Tobago Police Service.
- (b) Members of the Special Reserve Police who accept the ‘Separation Package’ be no longer eligible for employment in the Special Reserve Police.”

Do you know what that means, Mr. Speaker? That those who were sent home last year May at 55 years old, are not going to work again in the Special Reserve Police. I would give some of my thoughts after on this. I continue to quote:

“Be advised, that work on the Separation Package is being expedited, with the view of making payments available in the shortest possible time.”

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This letter is saying, by the end of May; this circular is saying “in the shortest possible time”. So it means that the right hand probably does not know what the left hand is doing. I continue:

“Consequently, in keeping Cabinet's directives, you would no longer be eligible for employment in the Special Reserve Police at the expiration of your vacation leave.”

The expiration of these people's vacation leave was since May last year. Some of them had already taken their vacation leave. So it is almost one year now they are not employed. What I am saying is, as I said before, if the cut-off date was May last year—because the circular was sent out on the 16th and they had three days in order to say whether they were going to be absorbed in the police service or not—then those persons who would have been 55 years after that date in May last year, should have been absorbed in the police service. Those persons who had one week to go to reach 55 years, who had up to three months, were not absorbed in the police service and they are not employed up to this date and are not given any severance benefits.

I am saying that it is unfair. It is not proper industrial practice that you have a cut-off date of 55 and people who were under 55 at the time were not accepted based on their age. They have not been given severance benefits up to this point in time.

I would like to spend some time on the training that they received, because when the Attorney General spoke, you would have gone away with the impression that they were taken out of the SRP service and sent on a three-or four-month period of rigorous training, as the case may be. This article in the newspaper said that. But the training for these people was on Mondays, Wednesdays and Fridays, from the hours of 5.00 p.m. to 9.00 p.m. They had to return and do their normal duties and then they had to leave and get to the police barracks at five in the afternoon until nine in the night. They were given training during these hours. Of course, they might have been paid overtime for going to the barracks to get the training, I do not know. But it was three days per week: Mondays, Wednesdays and Fridays, from 5.00 p.m. to 9.00 p.m.

Most of these officers have already gone through training periods, who have been working 20 years and more in the SRP service, so that it was not hard to train them. So when he spoke about training, I want him to clarify what “training” meant.

12.00 noon

I suggest to the Attorney General that persons under the age of 55 years at the time when this circular was sent out, should be asked not to take the package if they are willing to be absorbed in the regular police service. They could not be three months under the age of 55 years at the end of May, or on May 16, when the circular was sent out because they were told that when they were finished with training they would be over 55 years. They had to be either 55 years and under, or 55 years and over at the time this was sent to the Special Reserve Police (SRP).

I am also asking the Attorney General to look into the matter of persons who were just above 55 years or who did not take the option to be absorbed in the regular police service, to give them their packages and allow them to work on a part-time basis until the age of 60 years. By attrition, they would have left at the age of 60 years. There is a situation where these officers who were working part-time were allowed to work until the age of 65 years. Recently, some agreement brought the age down to 60 years. They would no longer be allowed to work for this five-year period which would be a loss of earnings to them.

Imagine an SRP who has been working regularly with the police service for 25 years or more and based on his age, expected to work until the age of 60 years and would have gone to the bank to get a loan based on the age of 60 years. They are now sending him home at the age of 55 years, did not pay him for the last year, then pay him approximately \$70,000 to \$80,000 which cannot do anything for him and he is allowed no employment for the next five years. I suggest humbly to the Attorney General that these people who have attained the age of 55 years and were not accepted into the regular police service, be given the preference to work until the age of 60 years. I am not saying the age of 65 years. I would like to see these things happen.

I do not know if he is aware that there are SRPs in the police service who work with Caroni (1975) Limited on a regular basis. They do part-time work. There are teachers who do part-time work as SRPs. This means it is enhanced payment to carry home at the end of the month. They will be able to work until the age of 60 years. I understand that an SRP working with Caroni (1975) Limited, has an option to continue working there, be an SRP for the next five years, get the increased salary and pension at age 60 years. The full-time SRPs who went home last year have no employment to get. When they receive their severance benefit that means it is the end of their employment. Most of them have three to five years to go and they need that employment during this period.

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I suggest to the Attorney General that we look at those SRPs who were sent home last year because they were nearing the age of 55 years and have not yet received their packages. I would like him to tell me what type of packages are being offered to these people. Based on this letter that was sent to the bank, a gentleman who has worked over 30 years on a regular basis as an SRP is entitled to receive \$78,000.00. When that time comes he may have to pay taxes out of it and go home with very little. In comparison to the next five years, he would have worked and received probably five times the amount of money he is now receiving as severance pay. I suggest to the Attorney General to look into this matter and that of those SRPs who were sent home last year and did not get their severance benefit. I would like him to be kind enough to ensure that they get their severance benefit very early.

Those who were under 55 years at the cutoff date, May 16, 2000 should be offered the opportunity to join the regular police service if they so wish. If they do not wish they can take their package and go home. Those SRPs who wish to take their packages and still work to the age of 60 years because they would not be unemployed at the age of 55 years, when they were expecting that they would have been employed until the age of 60 years, I am asking that this be looked into and something be done about it. This is my humble presentation for the SRPs.

Thank you.

Mr. Fitzgerald Hinds (*Laventille East/Morvant*): Mr. Deputy Speaker, I did not exactly plan to enter this debate, but I feel it necessary in the context of that which I have heard in the Chamber and while I was at the launch, to make a short contribution on a matter which I consider to be very important regarding the Special Reserve Police and the Trinidad and Tobago Police Service.

As we would have learnt earlier in this debate, the Special Reserve Police Unit was established to supplement the regular police service. So necessary was that function, in fact, it became increasingly necessary over the years, to the point where the SRPs who were originally enlisted to work on a very limited and part-time basis of four hours per week, wound up working full-time just like the members of the Trinidad and Tobago Police Service. Within recent times attempts are being made to regularize them as well, in light of the fact that they have worked as regular officers. They did the same thing during the same hours, but the conditions and terms were different, so that there was some disadvantage to the SRPs as a result. Now, we are regularizing it.

In respect of the regular Trinidad and Tobago Police Service, Trinidad and Tobago may not be aware, but I am, because I spent some time in the police

service. As some Members may know, I was an instructor in the Trinidad and Tobago Police Service. Many of my friends remained there so I have a natural concern for that institution. It is a fact that in many cases, today, officers are looking forward to their optional retirement age of 50 years and leaving the police service at that point. It is quite common to hear in conversation with relatively young men 50 years of age, that they are looking forward to that day when they must go. Why would people want to leave their careers that they would have begun at age 18 and in some cases just beyond that? One is permitted to join the service up to the age of 35 years.

12.10 p.m.

Why would people want to leave at age 50, when they could quite easily have gone to 55 and 60 years, as in the case of the First Division Officers? There are many reasons for that. One of those reasons certainly is the problem of low morale in the police service, and I can say that the same exists in respect of the teaching service and the nursing service; all three together comprising a very large aspect of the public service in general: the nursing service, the teaching service and the police service. These are important institutions, and yet we are seeing people who are supposed to be approaching the prime of their experience and expertise in these particular areas leaving these services at age 50. Some of them going abroad, some of them finding other jobs, and the Trinidad and Tobago Police Service and by extension the country, losing the benefit of their expertise just at the time when they were approaching middle-management rank.

Of course, there is another sign of low morale, one that we must not fail to take note of, and that is the situation where persons are up for medically unfit discharges. It is quite commonplace, and I do not know if the Minister of National Security is aware, I rather suspect that he is, that persons simply leave on the grounds of being medically unfit. The procedure might be a little cumbersome. They begin to tender sick leave certificate after sick leave certificate, and after a while, in accordance with the regulations, they are sent before a medical board and upon the medical examiner or examiners finding that they are unfit for work for one reason or the other, they leave medically unfit. They receive some kind of monthly payment and again the services and the country lose as a consequence. All of these reflect low morale.

Mr. Deputy Speaker, as I pointed out to the Minister of Education, the Member for Siparia, and indeed other Ministers from time to time in this House, simply talking will not improve those circumstances and eradicate the problems that I have now sought to raise. It requires tangible solutions to raise morale, for

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example, in the Trinidad and Tobago Police Service. The SRPs who have now gone over to become regular police officers have been acting as regular police officers for a long time and they, too, will not escape the problem of low morale that I am bringing to the attention of this honourable House. Increases in salaries, increases in the number of vehicles, these make their little contribution but certainly, some greater problems exist in the Trinidad and Tobago Police Service and in the other elements of the public service in Trinidad.

It is incumbent on any Government, not the least this one, to try to address these problems because the people of Trinidad and Tobago, including the public servants, when they use a service that they are not responsible for dispensing, are the ones who suffer as a result. Trinidad and Tobago is supposed to be a developing nation and we all understand the importance of the public service in the context of the nation and its operations. It supports the private sector and it supports most or all other activities since Governments play an important part, not the least, in the regulatory function. Passing legislation does not improve it either. Vague platitudes from the Parliament and from the political platforms do not help.

The reality is that the morale is terribly low in the Trinidad and Tobago Police Service today. Hence the reason for the high incidence of sick leave; hence the reason for the high incidence of people leaving on the grounds of being medically unfit and then they pick up jobs elsewhere. Hence the reasons for the fact that oftentimes the same people in all of these services who are very reluctant to give of their best go on long periods of vacation and pick up jobs during those periods of vacation, and work with an enthusiasm that is amazing. So, I merely felt it necessary in the context of this debate to highlight certain matters.

The PNM spoke during its last five years in Government about bringing this country to world class status. In the PNM's last manifesto, as we campaigned in the last general election, we told this country that our vision for this country was to take it to a higher level of development in the next 20 years. I noted that the Prime Minister, the Minister of National Security—*[Interruption]* I do not want to be disturbed Member for Nariva. If you want to keep bobbing up and down like a wooden toy you could continue. Not me. I am making a serious point. The Prime Minister said sometime ago—almost as though it were a response to the vision that we expressed in our last campaign—that he wanted to make Trinidad and Tobago a developing nation in the next decade, meaning in 10 years when we had said 20 years. It is as though he is taking his timing from what we had said. *[Interruption]* It is different, I know everything is different with the UNC. Terribly

different, horribly different, and I am not getting into that. I am trying to make what I consider to be a very serious point because at the end of the day Trinidad and Tobago is the grand loser.

[MR. SPEAKER *in the Chair*]

I know that it is not an easy situation to grapple with. I know many of the problems appear intractable, but I can tell you as a parliamentarian, and as a citizen of Trinidad and Tobago, and rather sincerely, I am not entirely happy with the way Trinidad and Tobago is going. I am seeing all the institutions of this country apparently crumbling and I know full well my friends would disagree that the presence of the UNC in Government has contributed greatly to that decline, but I am saying that we as a Parliament need to understand, and this is my role because I am not in Government. I am here on this side, to point the Government whenever and wherever I can in the right direction. As we sit here today to debate this legislation, I do not want it to escape the attention of the Government that is responsible for charting the course of Trinidad and Tobago, as it has been for the last few years: do not escape the reality that simply passing legislation to improve the legal position with SRPs would not make a world of difference. I want you to apply your minds to the more serious issues of improving the morale in the service causing the young men and women who work in very dangerous circumstances therein to want to stay, to want to give of their best.

We are under threat from the incoming tide of narcotics, drugs and all kinds of things happening in the country. We expect the police service and the other security agencies to protect us against the vagaries of that kind of activity. We told the Attorney General only recently, as he made his contribution to amend other legislation to deal with crime, that notwithstanding the 62 pieces of legislation that he piloted: amending the Constitution, the Evidence Act, the Legal Aid and Advice Act, bringing a DNA Bill to the House which was passed and is still not implemented—all of that. At the end of the day, the proof of the pudding is in the eating and the people of Trinidad and Tobago do not feel that they are any better off. That is the reality.

The Member for St. Joseph is looking at me with—I cannot describe the look I am seeing. He looks bland as if he is in another world but I want to tell him the former Minister of Works and Transport, the Member for San Fernando West—and I have said this before—put the zebra crossings on the streets of the nation, and the public in many cases were not even told what they represent or what the laws or the regulations surrounding those paintings mean.

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12.20 p.m.

I have seen people stop on those zebra crossings to pick up passengers. I have seen people waiting to cross and vehicles passing. I have seen vehicles threatening people's safety while they are crossing on these zebra crossings. These are the kinds of things that we need to be addressing if we want to make Trinidad and Tobago a better place. *[Interruption]*

Well, I do not want to use the words "first world". All those are labels. The important thing is to try to improve the quality of life of the people of Trinidad and Tobago in a meaningful way, just as some of you have improved your own quality of life in meaningful but horrible ways. I do not want to spend any time on that. I think the records of the nation are sufficiently well written. The Attorney General, as I pointed out a few days ago, has in his possession a document that has all these things well in place.

Without getting distracted by my Friend, the Member for St. Joseph, I am asking that while we seek to pass this legislation, the Government, whose responsibility it is, assisted by the Opposition, to chart the right course, should take serious action to find out the problems affecting morale in the police, teaching and nursing services and in other elements of the public service.

That is the extent of my very short contribution and I hope that the Government will take what we have had to say in this debate seriously, rather than convivially, as they usually do.

Mr. Speaker, I thank you.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I think the only contribution which was made in respect of this Bill is really that of the hon. Member for Arima. As usual, she made a very constructive and very enlightening contribution which reflects that she has been studying these measures. I wish to give the assurance to the hon. Member for Arima that the Chief Parliamentary Counsel's Department has taken note of what she has said and has already indicated that it has worked out a proposal to satisfy her concerns. During the committee stage, we can discuss those matters.

The point raised by the hon. Member for Arouca North really deals with the separation package of Special Reserve Police officers. My information is that the terms and conditions of the package were agreed to between the Chief Personnel Officer and the relevant bargaining body, and that is a matter we will look into and act upon. However, the Ministry is not aware that there have been any difficulties.

Mr. Narine: Will the hon. Attorney General give the undertaking, through you, Mr. Speaker, that we get a look at the package that is offered and that if persons at that date—May 16, 2000—were under the age of 55, they be allowed the option to go to the regular police service?

Hon. R. L. Maharaj: Mr. Speaker, I want Members to understand what is happening. The Special Reserve Police officers had discussions with the Chief Personnel Officer through the relevant bargaining process. Those matters were agreed upon.

When the hon. Minister of National Security, in the last administration, made a statement in the House, he said that 969 members of the Special Reserve Police who had been continuously employed on a full-time basis, for periods in excess of two years, would be absorbed in the Trinidad and Tobago Police Service at the rank of police constable with effect from August 1, 2000, subject to such persons meeting certain specific criteria. He said that the Chief Personnel Officer determined that the separation package be offered to the members of the Special Reserve Police who do not qualify or who declined the option of absorption into the police service and that retirement benefits would be applicable to the 969 persons.

It was made clear that the 969 members of the Special Reserve Police, on becoming members of the Trinidad and Tobago Police Service will enjoy benefits in accordance with the pensions and gratuities rules under the sixth schedule to the Police Service Act, Chap. 15:01. With respect to those members of the Special Reserve Police who do not qualify or who decline the option of absorption into the police service, although there is no basis in law for the payment of terminal benefits to this group of persons, in pursuing a directive given by Cabinet, a separation package will be determined and offered to this group. The Chief Personnel Officer considered that due recognition be given to the essential service that they provided, over 20 years in some cases.

Further, any terminal payment must be based on an established formula such as section 18(3) of the Retrenchment and Severance Benefits Act, No. 32 of 1985, or Regulation 14(1) of the Pensions Regulations, Chap. 23:52. The benefits were computed on the basis of these pieces of legislation. My information is that the Ministry has had no complaint about these matters and the Chief Personnel Officer has had discussions with the relevant bargaining body. There has been total agreement, but if there were some difficulty in the payment for any representation, the Ministry would be prepared to consider it.

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Mr. Speaker, I do not think that the Member for Laventille East/Morvant said anything worth replying to. With the greatest respect to him, I do not think it takes any matter any further.

I just wanted to remind hon. Members, for the record, that there are three main objectives to this Bill. One is to define certain critical terms used in the Special Reserve Police Act such as “call out”, “part-time service” and “temporary service”, which describe the manner in which members of Special Reserve Police are to be employed. Other terms such as “assignment” and “reduction”, which were peculiar to the Special Reserve Police and which described the processes by which members of the Special Reserve Police were to be promoted and demoted, have all been defined in the Bill.

In an effort to close the interpretative loopholes that have led to the misuse of the Special Reserve Police—

Mr. F. Hinds: Mr. Speaker, I hate to trouble and disturb him, but the hon. Attorney General just commented that the contribution from the Member for Laventille East/Morvant did not advance the discussion and it was not worth commenting on. That is his opinion, but is he saying, therefore, that he is satisfied, from his tremendous knowledge as Attorney General, that morale in the Trinidad and Tobago Police Service is where it should be? If the answer to that is no, does he not think that it is incumbent upon him to assure this Parliament, since we raised the question, that the Government will do all that it can, or let us hear what the Government is doing or plans to do to improve that very sordid state of affairs?

If not, then I agree with him. There is nothing to say.

Hon. R. L. Maharaj: Mr. Speaker, I am sure when the hon. Member for Laventille East/Morvant left the police service, the morale of the police service would have increased. The Member still has not added anything relevant to this Bill. I invite him to bring a substantive motion and we will answer it, but in respect of this Bill these are the objectives.

I was at pains to show how the Special Reserve Police Act has been misused over the years and how these people were supposed to be people on call-out and they were in effect doing permanent jobs. This Bill is to redress these matters.

Mr. Speaker, the second objective of the Bill is to amend section 8 of the Act to update the qualifications necessary for the appointment of members of the Special Reserve Police.

The third objective is to amend section 22 of the Act to make the language more consistent with the language in other sections of the Act and to ensure that any regulations made under the section are consistent with the call-out nature of the duties of the Special Reserve Police.

12.30 p.m.

Mr. Speaker, that explains why the hon. Member for Arima, as a good lawyer and as a good Member of Parliament, she looked at the Bill; she looked at the contribution and she zeroed in on what we have to deal with. The other matters really do not impinge upon the Bill, do not have anything to do with the Bill, but in deference to hon. Member for Arouca North, and because the Government would, at all times, like to consider the points made by the Opposition, I gave him the undertaking that we would be prepared to look into a matter he has raised.

Thank you, very much, Mr. Speaker. I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

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

Clause 3.

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

Mr. Maharaj: Mr. Chairman, I beg to move that clause 3 be amended in terms of the circulated draft, which reads as follows:

- A. Delete the word “assignment” and its definition.
- B. In the definition of “Minister” delete the words “general direction and the control of the” .
- C. In the definition of “officer in command of the division” , insert after the word “Act” the words, “other than the Commissioner and Deputy Commissioner.”
- D. Insert after the definition of “part-time service”, the following definition:
 “promotion” in relation to a rank, means movement from one rank to a higher rank, as may be determined by the Commissioner;

Question put and agreed to.

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

Clause 4.

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

Mr. Maharaj: Mr. Chairman, I beg to move that clause 4 be amended in terms of the circulated draft, which reads as follows:

- A. Delete this clause.
- B. Renumber clause 5 as clause 4.
- C. In the renumbered clause 4, insert the word “(2)”, after the words “Section 4”.

Question put and agreed to.

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

Clause 5.

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

Mr. Maharaj: Mr. Chairman, I beg to move that clause 5 be amended in terms of the circulated draft, which reads as follows:

Insert the following new clause 5:

- Section 5 amended
- 5. Section 5 of the Act is amended—
 - (a) in subsection (1), by deleting the two lines occurring immediately after paragraph (f) and substituting the following:

“shall be required in accordance with the regulations, to answer a charge for the commission of the offence and where he is found to be guilty, he shall be liable to one or more of the following punishments.”;
 - (b) in subsection (2)—
 - (i) by deleting the word “appeal” and substituting the words “apply for a review”; and

- (ii) by inserting after the word “order” the words “including an order for acquittal,”; and
- (c) in subsection (3), by deleting the word “appeal” and substituting the word “review”.

Question put and agreed to.

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6.

Question proposed, That clause 6 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 6 be amended in terms of the circulated draft, which reads as follows:

- A. Renumber clauses 6, 7 and 8 as clauses 7, 10 and 11 respectively.
- B. Insert the following new clause 6:

“Section 7
repealed and
submitted

6 Section 7 of the Act is repealed and the following section submitted:

Divisions of the
Special Reserve
Police

7(1) The Special Reserve Police shall consist of two Divisions, that is to say—

- (a) the First Division; and
- (b) the Second Division.

(2) The First Division shall include the ranks specified in Part A of the Second Schedule.

- (3) The Second Division shall include the ranks specified in Part B of the Second Schedule.
- (4) Each division shall consist of such numbers as the Commissioner may from time to time determine.
- (5) The powers and authority of any member of the Special Reserve Police under this Act may be exercised in any part of Trinidad and Tobago.

Miss Beckles: Mr. Chairman, is this the clause 6 amending section 8(1)(ii) that deals with the medical practitioner?

Mr. Maharaj: I am sorry?

Miss Beckles: Is it clause 6 amending section 8 that deals with the “medical practitioner”? Is it (2)(a) on page 3? I was suggesting there that you—

Mr. Maharaj: No, the clause that deals with it is section 8.

Miss Beckles: I do not know if I am on the right one but are you under clause 6, that starts section 8 of the Act that is repealed?

Mr. Maharaj: Yes.

Miss Beckles: Okay, on the next page then, (2)(a) that says: “passed a medical examination...conducted by a medical practitioner...” I am saying it should be “registered medical practitioner.”

Mr. Maharaj: Oh, I see. Could we put, “conducted by a medical practitioner, registered under the Medical Profession Act?” So after the word, “practitioner” the words, “registered under the Medical Board Act.”

Thanks a lot.

Hon. Member, there were two other points raised by you, are you still pursuing them?

Miss Beckles: What I was saying is that on the other page as it relates to, “the Commissioner” if you are comfortable with that I would not insist.

Mr. Maharaj: I think we better deal with that under section 22.

Miss Beckles: Okay.

Mr. Maharaj: The hon. Member for Arima had another concern about this clause.

Miss Beckles: What I was saying is I did not know if that was the normal practice in the regular police service that the Commissioner is the one who deals with it exclusively, if that is the case I am not going to really object.

Mr. Maharaj: I have been informed that this is not the normal practice because these officers do not fall under the Police Service Commission. Based on what you have stated, the Chief Parliamentary Counsel, together with the representative of the Ministry of National Security, believes that probably a formula could be used in order to have the Commissioner of Police and two other officers of the First Division of the Police Service selected by him.

Miss Beckles: I am comfortable with that.

Mr. Maharaj: Perhaps what we can do is that we can delete the word, “Commissioner” whenever it occurs.

Mr. Chairman: I am not following you, that is at 7(2) what?

Mr. Maharaj: That is at clause—

12.40 p.m.

Miss Beckles: It is really the one at page 4 at the top. So, it would really be 6(2)(b). It is at the top of page 4.

Mr. Chairman: Clause 6(2)(b)?

Miss Beckles: Yes, it starts:

“successfully completing such written entry examinations as may be determined by the Commissioner;”

And then (c) also says, “as may be determined by the Commissioner.”

Mr. Chairman: Okay, so what is the...

Mr. Maharaj: What I wanted to do is put a new—what we can do is at a later stage, we can amend to put a new clause and the new clause could read—if I read it first you will understand what I intend to do:

Delete the word “Commissioner” whenever it occurs in paragraphs (a), (b), and (c) of subsection (2) and substitute the words, “competent officers” and insert the following new subsection:

“For the purpose of subsection (2), ‘competent officers’ means the Commissioner of Police and two other officers of the First Division of the police service selected by him.”

Miss Beckles: Okay. I am comfortable with that, so that can just be put in the explanatory note and that will take care of that.

Mr. Maharaj: No. What I was thinking is that we could amend clause 6, so we are amending 6 by inserting a new subsection. Could we delete “Commissioner” in clause 6(2)(a), (b) and (c)? We are deleting “Commissioner” and substituting the words “competent officers”. After, we are going to define what “competent officer” is?

Miss Beckles: I am comfortable with that.

Mr. Maharaj: And we are adding a subsection (3) to this clause and the subsection (3) I will have to prepare.

Mr. Chairman: Hon. Members, we will therefore revisit clause 6 which is amended under subclause (2). Wherever “the Commissioner” appears that is deleted and “competent officer” included. So, that therefore would be in subclauses (a), (b) and (c).

A subclause (3) is added and it states:

“For the purpose of subsection (2), ‘competent officer’ means the Commissioner of Police or two other officers of the First Division of the police service selected by him.”

Is that correct?

Question put and agreed to.

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

Clause 7 ordered to stand part of the Bill.

Clause 8.

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

Mr. Maharaj: Mr. Speaker, I beg to move that clause 8 be amended in terms of the circulated draft:

Insert the following new clause 8:

<p>“Section 9 amended</p>	<p>8. Section 9 of the Act is amended by deleting the words “fit and proper persons” and substituting the words “persons who are qualified in accordance with section 8,”.</p>
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Question put and agreed to.

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

Mr. Chairman: There are two new clauses, clause 9 and clause 10 which are as follows:

New Clause 9.

Insert the following new clause 9:

<p>Section 10 amended</p>	<p>9. Section 10 of the Act is amended by inserting before the word “Schedule”, the word “First”.</p>
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New clause 9 read the first time.

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

Question put and agreed to.

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

Question put and agreed to.

New clause 9 added to the Bill.

New Clause 10.

Mr. Chairman: The new clause 10 is as follows:

In the renumbered clause 10—

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- (a) in paragraph 2(a), delete the word “assignment” and substitute the word “promotion”; and
- (b) delete paragraph 2(f) and substitute the following—
 - “(f) the powers and duties of the officer hearing charges of breaches of discipline against a member of the Special Reserve Police;”.

New clause 10 read the first time.

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

Question put and agreed to.

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

Question put and agreed to.

New clause 10 added to the Bill.

Second Schedule ordered to stand part of the Bill.

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

House resumed.

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

ADJOURNMENT

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that the House do now adjourn to Monday, May 14, 2001 at 1.30 p.m. On that date we will do Bill No. 4, the Occupational Safety and Health (No. 2) Bill.

Mr. Speaker: Before I move the Motion for the Adjournment there are a number of matters to be dealt with. First of all, from the last sitting there is to be a reply on the matter moved by the Member for Laventille East/Morvant which says:

“The continued practice by the prisons authorities of cutting the locks/hair of Rastafarians upon sentence and incarceration for a term of imprisonment in the state prisons and institutions.”

Rastafarian Inmates (Continued Cutting of Hair)

The Prime Minister and Minister of National Security (Hon. Basdeo Panday): Mr. Speaker, the issue raised by the hon. Member for Laventille

East/Morvant is, as you have said, the continued practice by the prison authorities of cutting the locks/hair of Rastafarians upon sentence and incarceration for a term of imprisonment in the state prisons and institutions.

The hon. Member started his contribution by saying:

“Thank you very much, Mr. Deputy Speaker, and hon. Members. The matter before the House on this Motion is a matter for obvious reasons that is near and dear and personal in some ways to me.”

I hope that is not an indication that the Member expects to be incarcerated in our prisons very shortly. [*Laughter*] Be that as it may, my reply is going to be very brief and it is what I have been informed by the Permanent Secretary in the Ministry of National Security.

This is the information I have, Mr. Speaker: The issue of cutting prisoners' hair is addressed by the Trinidad and Tobago Prison Rules and Regulations Revised Ordinances, 1950. However, this situation must be examined from the perspective as it relates to convicted and non-convicted prisoners. Rules 246—248 of Part IV applies to convicted prisoners and are republished accordingly. Rule 246 states every prisoner shall obey such directions as may from time to time be given by the Commissioner of Prisons as regards washing, bathing, shaving and hair cutting.

Rule 247 states the hair of a female prisoner shall not be cut without her consent except on account of vermin or dirt, or when the medical officer deems it requisite on the grounds of health, and the hair of a male prisoner shall not be cut closer than may be necessary for the purposes of health and cleanliness.

Rule 248 states the hair and beard of a Mohammedan—and I am reading from the brief, because I know that is regarded as offensive nowadays. It is on the statutes, so I am reading what the law is, Mr. Speaker. I am not commenting on it. The hair and beard of a Mohammedan shall not be cut except on written order of the medical officer on account of vermin or dirt, or on the grounds of health.

For ease of exposition, several terms must be clarified, and Rastafarian is defined in the tenth edition of the Concise Oxford Dictionary which gives the following definition:

“Of or relating to a religious movement of Jamaican origin holding that Emperor Haile Selassie of Ethiopia was the messiah and that blacks are the chosen people.”

Rastafarian Inmates
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And for Mohammedan:

“This term is widely accepted to denote followers of the prophet Mohammed, i.e. members of the Islamic (Muslim) religion.”

Rule 246 explicitly permits for the Commissioner of Prisons to issue directions as to the hair cutting of prisoners. The present prison policy is that all convicted inmates are to have their hair cut not closer than may be necessary for the purposes of health and cleanliness upon reception into prison, and at any such times thereafter, in order to provide for the maintenance of a standard of deportment.

12.55 p.m.

However, rule 246 is circumscribed by rule 248, which exempts Mohammedans from having their hair cut, except on account of medical grounds properly certified by the prison medical officer. This qualification is clearly premised on respect for the religious doctrines of the Islamic faith. This policy is carried out in pursuance of rule 258, which states that every prisoner shall be required, on reception, to state his religious denomination and shall continue to be treated as a member of that denomination unless and until he satisfies the Commissioner of Prisons that he has good grounds desiring to join another denomination.

Inmates indicating that they are of the Islamic religion, upon reception, or who, whilst incarcerated, are approved by the Commissioner of Prisons to change their religious denominations to the Islamic faith can avail themselves of the exemption of not having their hair cut. Those inmates who submit their religious denominations as Rastafarian are not, under the prison rules, excluded from having their hair cut. It is also drawn to the attention of this House that many individuals sport Rasta hairstyles, not in pursuit of any particular religious doctrine, but merely as a fashion statement, and upon reception into prison custody, they state their religious denomination as one of the more orthodox faiths.

Rule 298 of Part V governs the treatment of remand, that is, non-unconvicted inmates, and is set out as follows in rule 298(2). They (First Division prisoners) shall not be compelled to have their cut or to shave except when the medical officer deems it necessary on the grounds of health or cleanliness, and their hair shall not be cut closer than may be necessary for such purposes.

In this instance, the prison rules unambiguously precludes the cutting of hair of prisoners of this class except on medical grounds properly certified by the

prison medical officer. The practical reason behind the drafting of this particular provision is mainly to prevent remand inmates from altering their appearances.

This honourable House is advised that once persons come into the jurisdiction of the prison system, the prison authorities are entitled to prescribe and set limits to the exercise of religious and other rights, not only because such restrictions represent an inherent feature of lawful imprisonment, but to do otherwise would severely undermine and/or compromise security.

The permanent secretary has added that I advise this House that the Ministry of National Security is in the process of undertaking a total exercise of prison reform. This will involve, among other things, amendments to existing regulations which are quite outdated. As I told you, I thought they were 1950 something or the other—1950 these regulations were made. The issue raised by the hon. Member will certainly be taken into account during that exercise.

Thank you, Mr. Speaker.

Mr. Speaker: The second Motion on the Adjournment is by the Member for Laventille East/Morvant. [*Interruption*]

ARRANGEMENT OF BUSINESS

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, the Motion has to be answered by the Minister of Transport and the Minister of Trade Industry and Enterprise. We can adjourn that for Monday and we can do the Motion in which the Minister of Infrastructure, Development and Local Government—[*Interruption*] I think there was communication.

Mr. Speaker: The two motions in question, hon. Members, are the decision of the Government of Trinidad and Tobago to impose the requirement of \$20,000 on the citizens of Nigeria as a condition for entry into Trinidad and Tobago and the Government's failure to provide adequate and satisfactory reasons. That Motion is by the Member for Laventille East/Morvant.

The next Motion is by the Member for Arima, that is, the removal of the rural bus transportation service on the north coast, particularly as it relates to the areas of Blanchisseuse, La Filette, Morne La Croix, Brasso Seco and Paria. The Attorney General is requesting that these be deferred to Monday. [*Interruption*]

Hon. R. L. Maharaj: There was communication.

Mr. Speaker: So is that the wish of the House? It shall be deferred to Monday.

Arrangement of Business
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The next Motion on the Adjournment is from the Member for Arima, which reads:

“The severe hardships caused by the Government’s failure to dredge the Arima River particularly along the Eastern Main Road in the vicinity of Maturita, Pinto, Orange Flats, through the Pine Ridge east of Cocorite Road and connecting to the Caroni River.”

**Borough of Arima
(Dredging of Rivers)**

Miss Penelope Beckles (*Arima*): Mr. Speaker, I recognize that the issues to be discussed in this Motion are really very difficult ones. The issues relating to dredging and flooding are always very complicated matters, but we know that the rainy season is upon us, or, shall I say, we hope that the rainy season is upon us, since we have been told that we have water for just about 70 days. I think we are all praying that the rains would come soon and we are also, of course, praying and hoping that when the rains do come, the traditional flooding that takes place, not only in the district of Arima but in other districts, there would be balances to avoid the sort of flooding that we have seen over the last couple years.

Just as late as last year, as a matter of fact, after the rains came, and particularly now I am referring to the area of Orange Flat— I know that the Minister of Infrastructure, Development and Local Government is actually very familiar with the area of which I speak, because his roots are actually from Arima. I know that he has spent many a vacation traversing the hills of Calvary, Mount Pleasant and the Borough of Arima, so that I know that I am speaking about an area of which he is very familiar. Therefore, I would expect that he would give me the type of answer consistent with the many years that he has spent, no doubt, benefiting from one of the best and most beautiful districts in Trinidad and Tobago.

Having said that, sometime during the period 1981—1986, the river was actually dredged, and the bridge that is now on the Eastern Main Road was constructed. Actually you would know that there is a gas station there that has been closed permanently. It can no longer function because of that river. The gas station did open after the dredging of the river, but, subsequently, I think because no further dredging may have taken place, that gas station is now closed permanently.

What is interesting in my research, is that, actually, the area Mount Pleasant/Calvary, that the Minister would be very familiar with, they actually

changed the course of the river somewhere between 1981 to 1986. That change was only done, I would say, at the extreme northern area of the river and that change of the river's course was actually never completed. I think that, to a large extent, has to do with the flooding. So just in the area that we call the Torricilla Estate, or in the back by El Carmen, they shifted the river somewhat east and that shifting of the river actually only reached the area of Maturita. It meant, therefore, that the course was only changed for a particular part of the river and that, in itself, continues to complicate the problem that now exists today.

What you had, for example, Mr. Speaker, as late as last year, was that, for almost one week, some residents could not come out of Pinto, Orange Flats, Pine Ridge Development, Gnaskie, and areas east of the Cocorite Road. That was such a terrible flooding that you had almost, in some instances, three feet of dirt. In the Pine Ridge Development which, I would say, is one of our middle class housing developments in Arima, there was dirt for as much as three feet and some residents' houses were flooded. They just could not enter the houses for about a week.

Compounding this problem is what we have in most of the districts in Trinidad and Tobago, which is farming and squatting in some areas, again, affecting the course of the river; in some instances, changing the course of the river and affecting some people that would be either close to the banks of the river or where housing developments would be very close to the river. Pine Ridge Development is one such area where the people have suffered tremendously. What we have, actually, in Arima, is just one fire truck, so you find when these situations occur it is now absolutely difficult for the fire services, in some instances, to even get to places where you would have flooding.

I recognize that this is not going to be a simple matter. Insofar as where I sit, having been a former Local Government councillor, I feel that one of the things that needs to be done is greater collaboration between Local and Central Government. The fact that you are the Minister of both. Infrastructure, development and local government, I think would help, in that, liaising with some of the boroughs and regional corporations would, at least, mean that you would know some of the plans and shortcomings in terms of some of their development projects for the area.

Arima, of course, includes the Arima Borough Corporation, the San Juan/Laventille Regional Corporation and the Tunapuna/Piarco Regional Corporation, so that also complicates the matter at times in terms of projects being undertaken collectively. The area I am dealing with now, in some instances,

Borough of Arima (Dredging of Rivers)
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affects the Arima Borough Corporation and the Tunapuna/Piarco Regional Corporation.

My major concern, of course, is that the rainy season is upon us. I cannot say whether or not it is still possible that any types of works at all can be done, even in the short-term in, at least, part of the area, to alleviate some of the problems. I do not anticipate that the Minister will be able to do the entire thing, but, at least, particularly in that Orange Flat area and going to Pine Ridge, if, at least, we can get some work done there, I think that the people will be extremely happy.

What also complicates the situation is, as you know, there are really three rivers: the Arima River, the Guanapo River and the Aripo River. Those three rivers subsequently go into the Caroni River. When this area is not dredged it actually then affects the other constituencies of Chaguanas, Tabaquite, St. Augustine and Caroni Central. So in truth and in fact, when the dredging does not occur here, I do not think that most people understand that what happens is that you go into San Raphael and those districts and the issue is compounded, because when we go a little lower down to Manuel Congo where a bridge needs to be built, you find that the people sometimes cannot come out of that area for as much as two weeks.

What you have is that the water is coming from all these areas and then you have a catchment lower down. Whilst I am dealing with Arima here, it, obviously, is going to affect other areas. Once you deal with these areas it can also help some of the dredging lower down.

1.10 p.m.

What has happened, as well, is that in terms of the environment, the Northern Range—I am speaking now in terms of Arima—the entire Blanchisseuse forest—

Mr. Sudama: You only have fifteen minutes.

Miss P. Beckles: Yes, I would finish in my fifteen minutes, Mr. Sudama.

In terms of the issues of the environment, where you have the wanton destruction of the forest and the slash-and-burn cultivation in the Northern Range, that obviously affects what is happening coming down in the three rivers.

My concern, of course, is that—and that is why I make the point that it is not a simple issue but it has to be tackled from all these different areas. So I am hoping that, at least, bearing in mind that I have not presented a very simple exercise, and I know that it is not something that can be done all in one, I think I would be very

happy to be able to say that something in the short term, maybe the medium term and certainly in the long term was done to eventually alleviate what has been a long outstanding flooding problem in Arima.

Thank you very much, Mr. Speaker.

The Minister of Infrastructure Development and Local Government (Hon. Carlos John): Mr. Speaker, the drainage division of the Ministry of Infrastructure Development and Local Government has conducted a number of river improvement works over the last three years. The last such drainage improvement works were conducted in 1998, when the sum of \$390,000 was spent on works entailing desilting, widening, construction of the embankment and of approximately 400 metres of erosion protection.

Since the matter was drawn to my attention by the Member of Parliament for Arima, we have detailed the engineers in the drainage division to review the concerns raised by the Member of Parliament to see if, in the short term, we can embark upon some emergency abatement measures, because as she quite rightly appreciates, it is a much larger problem than meets the eye.

The engineers are therefore reviewing the key areas of Orange Flat and Pine Ridge which she has identified as the priority areas and she can be assured that it would be given the priority it deserves, of course within our budgetary limitations.

Thank you, Mr. Speaker.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 1.13 p.m.