

HOUSE OF REPRESENTATIVES*Friday, September 05, 2003*

The House met at 1.30 p.m.

PRAYERS[MR. SPEAKER *in the Chair*]

Mr. Speaker: Hon. Members, I have received verbal communication for leave of absence from the Member for Naparima (Mr. Nizam Baksh) from August 18—September 14, 2003. The leave which he has requested is granted.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Export-Import Bank of Trinidad and Tobago Limited for the year ended December 31, 1999. [The *Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley)*]
 2. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Princes Town Regional Corporation for the period January 01, 1998 to September 30, 1998. [*Hon. K. Valley*]
 3. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Princes Town Regional Corporation for the year ended September 30, 1999. [*Hon. K. Valley*]
 4. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Government Employees' Provident Fund for the financial year ended September 30, 2002. [*Hon. K. Valley*]
- Papers 1 to 4 to be referred to the Public Accounts Committee.*
5. Annual audited financial statements of Metal Industries Company Limited for the financial year ended December 31, 2001. [*Hon. K. Valley*]
 6. Annual audited financial statements of Youth Training and Employment Partnership Programme (YTEPP) Limited for the financial year ended September 30, 2002. [*Hon. K. Valley*]
 7. Annual audited financial statements of Trinidad Nitrogen Company Limited for the financial year ended December 31, 2002. [*Hon. K. Valley*]
- Papers 5 to 7 to be referred to the Public Accounts (Enterprises) Committee.*
8. Administrative Report of the Mayaro/Rio Claro Regional Corporation for the financial year October 01, 2000 to September 30, 2001. [*Hon. K. Valley*]

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9. Annual Report 2001 of the Controller, Intellectual Property Office. [The *Minister of Legal Affairs (Hon. C. Robinson-Regis)*]
10. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Cipriani Labour College (now the Cipriani College of Labour and Co-operative Studies) for the year ended December 31, 1981. [*Hon. K. Valley*]
11. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Cipriani Labour College (now the Cipriani College of Labour and Co-operative Studies) for the year ended December 31, 1982. [*Hon. K. Valley*]
12. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Cipriani Labour College (now the Cipriani College of Labour and Co-operative Studies) for the year ended December 31, 1983. [*Hon. K. Valley*]
13. Report of the Auditor General of the Republic of Trinidad and Tobago on a Special Audit of Certain Areas of Internal Control Procedures of the Tobago Regional Health Authority for the period October 01, 1998 to August 31, 2002. [*Hon. K. Valley*]
14. Report of the Auditor General of the Republic of Trinidad and Tobago on the accounts and financial statements of the Basic Education Project for the year ended September 30, 2002 as required by Loan Agreement No. 3956-TR between the Government of the Republic of Trinidad and Tobago and the International Bank for Reconstruction and Development. [*Hon. K. Valley*]
15. Report of the Auditor General of the Republic of Trinidad and Tobago on the audit of transactions pertaining to the Establishment of a Community-Based Micro-Credit Programme in Trinidad and Tobago for the year ended December 31, 2001 as required by project document TRI/98/003/01/99 between the Government of the Republic of Trinidad and Tobago and the United Nations Development Programme (UNDP). [*Hon. K. Valley*]
16. Report of the Auditor General of the Republic of Trinidad and Tobago on a Special Audit of Certain Areas of Internal Control at the Point Fortin Borough Corporation for the period October 01, 2001 to July 31, 2002. [*Hon. K. Valley*]

Papers 10 to 16 to be referred to the Public Accounts Committee.

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17. Financial statements and Auditor General's Report of the Trinidad and Tobago Unit Trust Corporation for the financial year ended December 31, 2001. [*Hon. K. Valley*]
 18. Financial statements and Auditor General's Report of the Trinidad and Tobago Unit Trust Corporation for the financial year ended December 31, 2002. [*Hon. K. Valley*]
 19. Annual audited financial statements of First Citizens Holding Limited for the financial year ended September 30, 2000. [*Hon. K. Valley*]
 20. Annual audited financial statements of First Citizens Holding Limited for the financial year ended September 30, 2001. [*Hon. K. Valley*]
 21. Annual audited financial statements of First Citizens Bank Limited and its subsidiaries for the financial year ended September 30, 1999. [*Hon. K. Valley*]
 22. Annual audited financial statements of First Citizens Bank Limited and its subsidiaries for the financial year ended September 30, 2001. [*Hon. K. Valley*]
 23. Annual audited financial statements of First Citizens Bank Limited and its subsidiaries for the financial year ended September 30, 2002. [*Hon. K. Valley*]
 24. Annual audited financial statements of First Citizens Merchant Bank Limited and First Citizens Trust and Merchant Bank Limited for the financial year ended September 30, 1998. [*Hon. K. Valley*]
 25. Annual audited financial statements of First Citizens Merchant Bank Limited and First Citizens Trust and Merchant Bank Limited for the financial year ended September 30, 1999. [*Hon. K. Valley*]
 26. Annual audited financial statements of First Citizens Merchant Bank Limited and First Citizens Trust and Merchant Bank Limited for the financial year ended September 30, 2000. [*Hon. K. Valley*]
 27. Annual audited financial statements of First Citizens Merchant Bank Limited and First Citizens Trust and Merchant Bank Limited for the financial year ended September 30, 2002. [*Hon. K. Valley*]
 28. Annual audited financial statements of First Citizens Bank Mortgage and Trust Company Limited for the financial year ended September 30, 1999. [*Hon. K. Valley*]
- Papers 17 to 28 to be referred to the Public Accounts (Enterprises) Committee.*
- 29 Annual Report of the Arima Borough Corporation for the year 2001. [*Hon. K. Valley*]

30. Compendium of Instruments Relating to the Caribbean Court of Justice—as finalized. [*The Attorney General (Sen. The Hon. Glenda Morean)*]

POLICE SERVICE REFORM BILLS

**Joint Select Committee Report
(Presentation)**

The Attorney General (Sen. The Hon. Glenda Morean): Mr. Speaker, I wish to lay on the Table the Third Special Report on the Joint Select Committee appointed to consider and report on the Bills entitled: The Constitution (Amdt.) Bill, 2002; the Police Service Bill, 2002 and the Police Complaints Authority Bill, 2002.

ORAL ANSWERS TO QUESTIONS

**United Nations Development Programme
(Terms and Conditions of Volunteer Doctors)**

- 168. Dr. Hamza Rafeeq** (*Caroni Central*) asked the hon. Minister of Health:

Would the Minister state the terms and conditions of employment of the volunteer doctors being recruited through the UNDP to work in Trinidad and Tobago?

The Minister of Health (Hon. Colm Imbert): Mr. Speaker, I am so happy that the Member is asking me these questions. The United Nations volunteer doctors were recruited under the provisions of the standard basic assistance agreement between the Government of the Republic of Trinidad and Tobago and the United Nations Development Programme signed on May 20, 1976.

The contract between the Government of the Republic of Trinidad and Tobago and the United Nations Development Programme for the supply of 100 volunteer doctors made under the aegis of this agreement has been lodged with the Clerk of the House and is available for scrutiny.

Vide end of sitting for written answer.

**Cuban Doctors
(Terms and Conditions of Employment)**

- 169. Dr. Hamza Rafeeq** asked the hon. Minister of Health:

Would the Minister state the terms and conditions of employment of the Cuban doctors being recruited to work in Trinidad and Tobago?

The Minister of Health (Hon. Colm Imbert): Mr. Speaker, the terms and conditions of employment which have been approved by the Public Sector

Negotiations Committee, for doctors to be recruited from the Republic of Cuba on contract for a period of two years will in totality be of equal or lower value to the compensation package their counterparts in Trinidad and Tobago currently receive. A new three-year agreement was agreed around the table between doctors' representatives and the Regional Health Authorities for new salaries and allowances for house officers and Medical Officers I, over the period January 01, 2003 to December 31, 2005. However, this agreement has not yet been put into effect due to contracts not being signed by the doctors.

A comparison of the terms and conditions being offered to the Cuban doctors with those of the new terms and conditions of their counterparts in the Regional Health Authorities of Trinidad and Tobago are as follows:

Specialist Medical Officer (Basic Salary)	Cuban (\$) 10,400	RHA (\$) 10,400
On call consultation allowance	5,200	5,200
Rural incentive allowance	0	1,560
Communication allowance	500	500
Continuing education allowance	0	1,600
Orientation and language training	868	0
Guaranteed overtime	0	2,000
	(20 hrs at two-thirds hourly rate)	
Transport allowance		1,800

Transport for the Cuban doctors would be provided by the Ministry of Health while on official business; where accommodation is not provided within 1kilometre of the place of work, a home to office allowance of \$500 would be paid.

Housing allowance for the Cuban doctors is furnished accommodation and for specialists, since they are not required to work full-time is zero. The settling-in allowance for Cuban doctors is paid once and it is equivalent to one month's salary over a period of two years which works out to be \$433 per month.

The settling-in allowance for the RHA doctor is not relevant and is not applicable.

The medical registration for Cuban doctors would be met by the Ministry of Health and the medical registration fee for RHA doctors would be met by the individual doctors.

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In totality, a Cuban specialist would receive a monthly package of \$20,901 and the RHA doctor would receive a monthly package of \$23,060 or more than \$2,000 per month more than a Cuban specialist.

House Officer or Medical Officer I
(Junior doctors)

	8,000	8,600
On call consultation	3,850	4,723
Rural incentive allowance	0	1,290
Communication allowance	350	350
Continuing education allowance	0	1,200
Housing allowance	(furnished accommodation)	1,800
Gratuity	0	1,720
Language training	868	NA
Transport allowance		1,500

The Cuban doctor would receive transport provided by the Ministry of Health while on official business and where accommodation is not provided within 1kilometre of the place of work, a home to office travel allowance of \$500 per month would be given.

Settling-in allowance for the Cuban doctor is equivalent to one month's salary over the period, working out at approximately \$333 per month. This is not applicable to Trinidad RHA doctors

The total package for the Cuban junior doctor is \$16,401 per month and the RHA doctor under the new agreement, \$21,183 or more than \$4,000 more than the Cuban doctor.

Dr. Khan: Mr. Speaker, one supplemental question. The terms and conditions of the Cuban doctors are lower than that of the RHA doctors. Yesterday, I saw on the television that the local doctors sleep on the floor while they are on call in the common room. I was wondering if the Cuban doctor would be lower than that.

Hon. C. Imbert: The local doctors receive a housing allowance and the Cuban doctors do not.

Dr. Rafeeq: I wonder if the Minister would tell us whether the Cuban doctors are being paid while they are undergoing training and orientation.

Hon. C. Imbert: The answer is yes.

**Cuban and UNDP Doctors
(Process for Registration)**

170. Dr. Hamza Rafeeq asked the hon. Minister of Health:

Would the Minister state what will be the process for registration of the Cuban and United Nations Development Programme-sourced doctors to work in Trinidad and Tobago?

The Minister of Health (Hon. Colm Imbert): Mr. Speaker, the process for registration of Cuban and United Nations volunteer doctors to work in Trinidad and Tobago would be in accordance with the provisions of the Medical Board Act, Chap. 29:50.

Dr. Rafeeq: Mr. Speaker, I wonder whether the Minister can inform this honourable House if the Medical Board of Trinidad and Tobago or the panel would be approached for registration.

Hon. C. Imbert: It has been published more than once in the daily newspaper that the panel has already registered a number of Cuban doctors.

Dr. Rafeeq: The UNDP doctors.

Hon. C. Imbert: When the United Nations volunteer doctors arrive, the Ministry would make a decision on that matter.

The following question stood on the Order Paper:

**Trinidad and Tobago Police Service
(Internal Examinations)**

175. Would the hon. Minister of National Security and Rehabilitation inform this House whether internal examinations for promotion to the ranks of corporal and sergeant in the Trinidad and Tobago Police Service were conducted over the past years?

- (a) If the answer to (a) is in the affirmative, could the Minister inform this House:
- i. when were those examinations conducted?
 - ii. whether the results of those examinations are available to the Police Service Commission?

- iii. whether the results were available to any other related authority concerned with promotion within the Police Service?

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I should have informed you before. The answer to that question is not ready. We are asking for a deferral of one week.

Question, by leave, deferred.

WRITTEN ANSWERS TO QUESTIONS

The following questions were asked by Dr. Adesh Nanan (Tabaquite):

Primary and Secondary Schools (Repairs and Contracts)

- 103.** Would the hon. Minister of Education provide a list of the repairs undertaken to primary and secondary schools for the year 2002 indentifying the name of each contractor and the value of each contract?

Early Childhood Care and Education Centres (Contracts)

- 104.** Would the hon. Minister of Education provide a list of the Early Childhood Care and Education Centres constructed over the years 2002 to 2003 indicating the location of each centre, together with the name of each contractor and the value of each contract?

Secondary Schools (Book Grant)

- 107.** Would the hon. Minister of Education provide a list of the secondary schools, if any, that have not received the \$1,000 book grant for the current school year?

Primary Schools (Free Textbooks)

- 108** Would the hon. Minister of Education provide a list of the primary schools that have not received free textbooks for the current school year?

Secondary Schools (Mathematic/English Teachers)

- 109.** Would the hon. Minister of Education provide a list of the secondary Schools without Mathematics and/or English teachers for the period January 2003 to April 08, 2003?

Vide end of sitting for written answers.

The following question was asked by Mr. Chandresh Sharma Fyzabad):

National Flour Mills

149. With respect to the National Flour Mills (NFM), would the hon. Minister of Trade and Industry and Minister in the Ministry of Finance provide the following information:

- (a) the number of vehicles rented in 2002 and cost of same;
- (b) a list of all sponsorship/grants/donations issued by the NFM in 2002 in excess of \$5,000;
- (c) details of foreign travel undertaken by officials of the NFM in 2002 and the cost of same, including airfare, hotel accommodation, entertainment and other costs met by the NFM?

Vide end of sitting for written answer.

DEFINITE URGENT MATTER (LEAVE)

School Books and Book Grant

Mrs. Kamla Persad-Bissessar (*Siparia*): Mr. Speaker, I seek leave of this honourable House to move the adjournment for the purpose of discussing a definite matter of urgent, public importance, namely, the failure of the Government to provide all students with the promised school books and book grants and to open all schools on time.

This matter is definite in that it pertains to the obligation of Government to properly provide for the education of all school children.

This matter is urgent because the entire secondary school student population from Form 3 upwards is still without the promised book grant. Over 20,000 primary school children are without the promised books.

Mr. Speaker: I had received your motion and I had made certain adjustments to it. Have you had a copy of it?

Mrs. K. Persad-Bissessar: Mr. Speaker, are you saying that you re-wrote what I submitted to you?

Mr. Speaker: Yes.

Mrs. K. Persad-Bissessar: So you have written something different to what I submitted?

Mr. Speaker: I have ruled. Hon. Member, I have redrafted your motion to comply with the Standing Orders. I would be obliged if you would read what I have amended.

Mrs. K. Persad-Bissessar: Mr. Speaker, I am guided and I raise this matter under protest because it is a matter of urgent, public importance.

Mr. Speaker: Hon. Member, please take your seat. If you wish to discuss this matter with me in my Chambers, you are most welcomed.

Mrs. K. Persad-Bissessar: Mr. Speaker, I would read the adjusted matter as has been adjusted by honourable self.

The matter is urgent because the entire secondary school population from Form 3 upwards is still without the promised book grants. With due respect, if I read the second part, it does not make sense. It says, “without the promised books”. The primary school students are without the books.

Mr. Speaker: Could you please read what I have approved?

Mrs. K. Persad-Bissessar: Some schools are yet to be re-opened even after a whole week of the school term has passed.

The matter is of public importance because there is confusion in the education sector affecting thousands of school children, parents and teachers.

Thank you.

Mr. Speaker: Hon. Members, the leave for which the hon. Member for Siparia seeks is denied.

Integrity In Public Life Act (Regulations and Forms)

Mr. Speaker: The hon. Member for Siparia.

Mrs. Kamla Persad-Bissessar (Siparia): Mr. Speaker, I would read what the hon. Speaker has redrafted for me to read.

Today, I seek leave of this honourable House to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely the failure of the Government to lay the necessary regulations and forms made under the Integrity In Public Life Act, 2000.

This matter is definite in that it pertains to the obligations of Government to ensure accountability and transparency in public life.

The matter is urgent because the deadline date set by law for persons in public life to file their declarations, under the Integrity In Public Life Act for last year would expire and so allow persons in public life to escape their responsibilities under the law.

Thank you.

Mr. Speaker: Hon. Members, the leave for which the hon. Member for Siparia seeks is also denied.

**CARIBBEAN COURT OF JUSTICE
(ESTABLISHMENT OF)**

The Attorney General (Sen. The Hon. Glenda Morean): Mr. Speaker, this honourable House may recall that on Friday, September 29, 2000, the then Attorney General laid in this House, a number of papers relating to the establishment of the Caribbean Court of Justice. The papers were later laid in the other place on October 03 2000. There were two papers entitled the Caribbean Court of Justice, the History and Analysis of the Debate and the Caribbean Court of Justice Draft Instruments.

The first paper chronicled the debate revolving around the need for the establishment of a Caribbean court of appellate jurisdiction, to replace the judicial committee of the Privy Council from 1947 onwards.

The second paper comprised the agreement establishing the Caribbean Court of Justice; the agreement establishing the seat of the Caribbean Court of Justice and the offices of the regional judicial and legal services commission, between the Government of Trinidad and Tobago and the Caribbean community; rules of the Caribbean Court of Justice appellate jurisdiction; proposed code of judicial conduct; protocol on the privileges and immunities of the Caribbean Court of Justice and the regional judicial and legal services commission and the draft enabling Bill to implement the agreement establishing the Caribbean Court of Justice.

The document entitled Compendium of Instruments Relating to the Caribbean Court of Justice—as Finalized being laid today in this honourable House, now introduces the final versions of the instruments, some of which have been elaborated since the second paper was laid in 2000. The instruments set out in the compendium are the agreement establishing the Caribbean Court of Justice; protocol to the agreement establishing the Caribbean Court of Justice; protocol on the privileges and immunities of the Caribbean Court of Justice and the regional and judicial services commission; agreement establishing the Caribbean Court of Justice trust fund; vesting deed of the Caribbean Court of Justice trust fund;

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proposed code of judicial conduct; draft rules of court of the Caribbean Court of Justice original jurisdiction; draft rules of court of the Caribbean Court of Justice appellate jurisdiction; the draft enabling Bill to implement the agreement establishing the Caribbean Court of Justice and the agreement establishing the seat of the Caribbean Court of Justice at the offices of the regional judicial and legal services commission between the Government of Trinidad and Tobago and the Caribbean Court of Justice and the regional judicial and legal services commission.

A lot has taken place since the papers were laid in Parliament in 2000, in relation to the establishment of the Caribbean Court of Justice. The agreement took effect in July 2002, with Guyana as the third member state depositing its instrument of ratification. You will recall that the agreement was signed during the tenure of the previous administration by the previous prime minister on February 14 2001 and it was ratified in October 2002. Since then, at least 10 member states of the community namely Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, St. Lucia, St. Vincent and the Grenadines, Suriname and Trinidad and Tobago have ratified the agreement. A public education programme designed by the Caricom Secretariat and intended to sensitize the Caribbean people regarding establishment of the court is still in progress in member states of the community including Trinidad and Tobago.

To date, there have been four such events held in Trinidad and Tobago and more are planned before the inauguration of the court at its temporary headquarters in Port of Spain. As Members may be aware, the Conference of Heads of Government of the community has agreed to work towards the inauguration of the court, in the last quarter of 2003. To this end, a high level task force appointed by Heads of Government to plan an appropriate inauguration for the court has been seeking to give effect to both decisions of the conference. The agreement establishing the Caribbean Court of Justice, as I intimated earlier, has been ratified by most of the member states of the Caribbean community. The agreement inter alia speaks to membership which is open to member states of the community and any other Caribbean country that is invited by the conference, to become a party to the agreement.

The agreement vests the court with two jurisdictions. In its original jurisdiction, the court will have exclusive and compulsory jurisdiction to interpret and apply the revised Treaty of Chaguaramas which establishes the Caricom Single Market and Economy (CSME). In its appellate jurisdiction, the Court would replace the judicial committee as the final court of appeal for contracting parties. The agreement also provides for a president and no more than nine other judges,

three of whom would be possessed of expertise in international law. The court would be duly constituted when it sits with not less than five judges in an uneven number. The agreement also speaks to the appointment or removal of the president by a three-quarters majority of the Heads of Government of the contracting parties, on the recommendation of the regional judicial and legal services commission.

The Heads of Government have the power only to accept or reject the commission's recommendation. The commission would be responsible for appointing the judges of the court other than the president and appointing other officials and employees of the court. The agreement also establishes the regional judicial and legal services commission referred to above. The commission would manage the affairs of the court and be solely responsible for the administration of all matters relative to the functioning of the court and in exercising such a function would neither seek nor receive instructions from any body or person external to the commission. Great pains were taken in arriving at the final composition of the commission, in order to ensure that that body would not be subject to the control of the political directorate of the Caribbean community.

In its administrative function, the commission would be obliged on an annual basis to submit a report of its work and operations to Heads of Government. The elaboration of the protocol to the agreement establishing the Caribbean Court of Justice relating to the juridical personality and legal capacity of the court became necessary, because the agreement provided for the legal capacity of the regional judicial and legal services commission, without providing for the juridical personality and legal capacity of the court itself. This protocol empowers the president of the court to sign the headquarter's agreement between the Government of Trinidad and Tobago and the court and the commission, on behalf of the court.

The protocol on the privileges and immunities of the Caribbean Court of Justice and the regional judicial and legal services commission would provide the court as an international organization with the legal security for its headquarters and assets. The protocol would also safeguard the independence, impartiality and integrity of the judges, officers of the court, members and officials of the commission. Additionally, the protocol would provide counsel with certain immunities while they are in the territories of contracting parties performing their functions.

The agreement establishing the Caribbean Court of Justice Trust Fund is a critical instrument in relation to the court. The trust fund agreement establishes a trust fund, as decided by the Heads of Government. The sum would be capitalized in the sum of US \$100 million, an amount being raised by the Caribbean

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Development Bank (CDB) on the international capital market on behalf of member states. Member states of the community would in turn enter into loan agreements with the CDB with respect to the individual amounts payable to the bank, in proportions determined by the Conference of Heads of Government. By this mechanism, the trust fund is expected to ensure the sustainability of the court into perpetuity and seek to place the court beyond the control of a political directorate.

On a reading of the agreement, the composition of the board of trustees of the fund is structured to ensure representation and involvement by a wide cross-section of the stakeholders of the community. The vesting deed of the Caribbean Court of Justice, simply put, vests the fund in the board of trustees and completes the legal arrangements relating to the creation of the trust fund. The draft enabling Bill to implement the agreement is modeled legislation commended to member states, by the Conference of Heads of Government for adoption by those states. When passed in member states, the Bill would implement the agreement establishing the court in each contracting party state, thus giving to the agreement the force of law in those territories.

The peoples of the region have come to realize that we must not allow ourselves to be overtaken by the effects of globalization. This world is being divided into large trading blocs. The Free Trade Agreement of the Americas (FTAA) is expected to become a reality in 2005. The CSME offers the region including Trinidad and Tobago, some protection for our manufactured products. The CSME and the protection it offers would require a legal framework and ultimately, it would be the Caribbean Court of Justice in its original jurisdiction, that would be the final authority on the interpretation and application of the revised treaty. Interestingly, the treaty also provides for other means of dispute settlement, good offices, mediation, consultation, conciliation and arbitration, but the court in its original jurisdiction with its exclusive and compulsory jurisdiction will provide the legal certainty, that is a pre-requisite for investment and economic progress.

In becoming the final court of appellate jurisdiction for the Commonwealth Caribbean, the Caribbean Court of Justice would be cutting our last moorings to a colonial power. Such an event would be the realization of a 100 year-old vision of completing our independence and affirming our sovereignty as a people. There is no doubt that world events are challenging us in the region to deal with them. The Caribbean Supreme Court would be one regional institution that would buttress our efforts to determine our economic and jurisprudential future.

This is the second time since September 2000, that material of the type being laid here today, is disseminated, so that the national community would be better

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informed and have a better understanding of the Caribbean Court of Justice. I trust this material would go a long way in removing any lingering doubts regarding our capacity to assume full responsibility for our governance.

Thank you.

NATIONAL LOTTERIES (AMDT.) BILL

Bill to amend the National Lotteries Act, Chap. 21:04, to alter the definition of “financial year” [*The Minister of Finance*]; read the first time.

TRINIDAD AND TOBAGO POSTAL CORPORATION (AMDT.) BILL

Bill to amend the Trinidad and Tobago Postal Corporation Act, No. 1 of 1999, to extend the period of exemption from taxes and other charges [*The Minister of Public Utilities and the Environment*]; read the first time.

**EXTRADITION (COMMONWEALTH
AND FOREIGN TERRITORIES) (AMDT.) BILL**

Bill to amend the Extradition (Commonwealth and Foreign Territories) Act, 1985 [*The Minister of Foreign Affairs*]; read the first time.

FIREARMS (AMDT.) BILL

Bill to amend the Firearms Act, Chap. 16:01 [*The Minister of National Security and Rehabilitation*]; read the first time.

POLICE SERVICE REFORM BILLS

**Joint Select Committee Report
(Adoption)**

The Attorney General (Sen. The Hon. Glenda Morean): I beg to move the following Motion standing in my name.

Be it resolved that this House adopt the Second Special Report of the Joint Select Committee appointed to consider and report on the Bills entitled, the Constitution (Amdt.) Bill, 2002; the Police Service Bill, 2002 and the Police Complaints Authority Bill, 2002.

Mrs. Persad-Bissessar: Would the hon. Attorney General give way? Thank you, hon. Minister. Is this report signed by the quorum that is necessary? I have not seen the report. I am a member of that committee. It was brought to me two seconds before the sitting and I was asked to sign it. Has it been signed by the requisite number so that it is properly before this House?

Sen. The Hon. G. Morean: It was signed by the majority.

Mrs. Persad-Bissessar: How many signatures are there?

Sen. The Hon. G. Morean: The quorum is six. If you did not sign it, do you object to signing it? I apologize for any lapse on the part of the good secretary who was only trying to do his work. This is not a matter that we would make a big to-do about.

Mrs. Persad-Bissessar: You have asked me a question, if I am prepared to sign it. This is not the way we do business in this honourable House and to cast the blame on the first person, the secretary of the committee, I think is totally out of order. The business is to be done by the Chairman of the committee. If I did not raise this question—we have laid something that is not properly before this House. I cannot sign it unless I have read it.

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, again, we are seeing the double standard of the Opposition. The information is that the report was discussed and the Opposition Members agreed to sign it. When the secretary approached them to sign it, they are now refusing to sign it.

Mr. Speaker: Order please. May I suggest that this matter be stood down and you clarify the situation. [*Interruption*] Order! Order!

SUPREME COURT OF JUDICATURE (AMDT.) BILL

Order for second reading read.

The Attorney General (Sen. The Hon. Glenda Morean): Mr. Speaker, I beg to move,

That a Bill to amend the Supreme Court of Judicature Act, Chap. 4:01, be read a second time.

The Supreme Court of Judicature (Amdt.) Bill is a very simple one that seeks to amend the Supreme Court of Judicature Act, Chap. 4:01, to increase the number of puisne judges from 20 to 23. Under the Constitution, section 99 states:

“There shall be a Supreme Court of Judicature for Trinidad and Tobago consisting of a High Court of Justice ... and a Court of Appeal with such jurisdiction and powers as are conferred on those Courts respectively by this Constitution or any other law.”

The judges of the Court of Appeal are referred to as justices of appeal while those in the High Court are called puisne judges. At present there are nine judges, exclusive of the Chief Justice in the Court of Appeal. Seven of those posts are

currently filled and all 20 posts in the High Court are filled, in addition to which, there are two temporary judges. The number of judges has been increased from time to time. In 1964, there was an increase to 10 from between six and eight; in 1968, to 11; in 1979, to 12; 1980, an increase to 15; in 1991, to 16 and 1996 to 20.

At page 2 of the annual report of the Judiciary of the Republic of Trinidad and Tobago, it is reported that a note had been submitted to the then Cabinet by the Judiciary in or around 1999 or 2000, seeking an increase in the establishment to 25. This increase did not find favour. Since the change of government on December 24, 2001, there has been a significant transformation in the relationship between the judicial arm of the state and the Executive. I am sure that hon. Members would recall the virtual war that was taking place between the Judiciary and the Executive under the previous UNC regime. I am sure that Members would recall that the Chief Justice was prominent among the list of enemies of the former prime minister. Fortunately today, we are now returning to some semblance of respectability and respecting our institutions. There has been a radical easing of the tensions between the Judiciary and the Executive.

Mr. Ramnath: What stupidity “yuh” talking?

Mr. Speaker: Please hon. Member for Couva South. You cannot stay in your seat and shout across to the hon. Attorney General and say what stupidity you are talking about.

Mr. Ramnath: This was not meant for your ears.

Mr. Speaker: I heard it.

Sen. The Hon. G. Morean: This is what I mean by a return to respectability. Under the leadership of both the former and current Chief Justices, the Judiciary has been accelerating the pace at which it is pursuing its strategic objectives. I will recite some of the major accomplishments within the Judiciary during this period. Some of the key contract positions within the department of court administration have been filled. Cabinet has approved a proposal for the creation of a human resource management unit within the Judiciary. A new judicial system has been introduced.

In April 2002, the staff of the probate registry organized a special project in the registry aimed at reducing the backlog of searches in the system and setting a time disposition standard for searches. For those who may not know, these searches are necessary in order for an application for a grant of letters of administration or probate to be filed. That search tells you whether or not there was a previous application. Those who have been practising in this area would

know that those searches have been taking an inordinate length of time. With the introduction of these improvements the time is gradually being reduced.

The accounting units of the Supreme Court and the Magistracy have been restructured and merged. Emphasis is currently being placed on restructuring within the Magistracy. Staff is being retrained and retooled. The Judicial Education Institute has been established. The court reporting system is being transformed. Improvements of the physical environment of new and existing buildings are taking place with the implementation of a building plant and equipment unit.

In respect of the improvement in the court reporting system, just yesterday, Cabinet agreed to the implementation of an audio digital recording system in all the courtrooms throughout Trinidad and Tobago. This will have favourable implications for the delivery of justice. We all know of the archaic system of longhand note taking and all the problems in terms of notes of evidence not being available in a timely fashion and evidence from witnesses not being available. This should have a transforming effect in respect of the delivery of justice. Following on this decision, consideration was given to the provision of funds in the sum of \$10 million in the 2004 draft estimates of the development programme of the Judiciary. Once funds are provided, the Attorney General submits for the consideration of Cabinet, specific proposals for the provision of transcription services, before an approach is made to the Central Tenders Board to invite tenders for the award of contracts.

In addition, a security unit and an information technology unit have also been established within the Judiciary. A records management plan and a telecommunication plan are also being pursued. Against this background of reform within the administration of justice, I am pleased to announce in this honourable Chamber, that Cabinet under this PNM Government has agreed to establish a well resourced family court project as a pilot in Port of Spain, to be accommodated in a separate building with appropriate staffing and infrastructure. This decision emanates from a report by a committee appointed by the Attorney General in April 2002, with these terms of reference: to identify ways in which measures could be introduced to enhance the functioning of the present family court jurisdiction in the courts in the short term; and design a family court structure suitable to the needs of Trinidad and Tobago and to advise on the establishment of such a court.

This committee was chaired by Mrs. Daly and comprised several persons of repute representing the Judiciary, Office of the Attorney General, the legal

profession, social services and some key stakeholders. Hon. Members would recall that the need for a family court in Trinidad and Tobago was recognized a long time ago. In 1979, the then chairman of the Law Reform Commission, Dr. Edward Watkins, began to promote the idea of a family court in Trinidad and Tobago. A Bill was drafted in 1986, but it was not enacted.

2.30 p.m.

In 1998, a committee was appointed to draft a package of legislation relating to the family. A draft Bill was prepared but, again, this Bill was found to be inadequate. The committee appointed under this present administration, after consulting all the stakeholders, recommended that a pilot project to encompass the jurisdiction of the Port of Spain Magistrates' Court and the St. George West Magistrates' Court be launched, excluding the juvenile courts for the time being. The committee proposed that a dedicated family court environment in a building that is separate from the present courts, and which has not only courts but also meeting rooms and accommodation for probation, social services and mediators, should be sought.

The committee also recommended that the new family proceeding rules be introduced in a limited way in the family court so as to enable the process to become less adversarial.

Another significant recommendation of the committee is that a monitoring committee should be appointed comprising members of the Judiciary, the court administration, the legal profession, the social services and the public. The purpose of this committee should be to monitor the pilot family court, with a view to recommending amendments to the rules and to the legislation and with a view to informing the drafting of legislation to create a family court system in Trinidad and Tobago. This recommendation has received support from not only the Judiciary, but also from the Law Association of Trinidad & Tobago. Resulting from this, Cabinet also agreed to increase the number of judges from 20 to 23. Mr. Speaker, it is against this background that I seek the support of hon. Members to pass this Bill to increase the establishment of the complement of judges from 20 to 23.

This Bill has just two clauses. Clause 2 seeks to amend section 5(1) of the Supreme Court of Judicature Act by deleting the word "twenty" and substituting the word "twenty-three". The main purpose, as I have indicated, of increasing the number at this time is to enable the Judiciary to rearrange its complement of judges so as to facilitate the administrative and other arrangements necessary for the pilot project, which would include training. Some may say we should increase

not from 20 to 23 but to a greater number. I am saying that this is a matter which is receiving further attention. Just increasing the number, however, involves other subsidiary mechanisms that have to be put in place. Mr. Speaker, because of the fact that we need to press on with this project, we are dealing with this increase in the complement to accommodate the family court project. If there were to be another increase that would be dealt with at a later time.

Mr. Speaker, I beg the move.

Question proposed.

Mrs. Kamla Persad-Bissessar (Siparia): Thank you, Mr. Speaker. May I take this opportunity to welcome you, Mr. Speaker, hon. Members and staff back from the six-week recess. I am sure that everyone is back refreshed and ready to press on with work. I also wish to congratulate the staff for the work they have done during the break. I understand that they have done quite a bit of rearranging in the House, together with you, Mr. Speaker, to get it ready for us today. As I said, welcome back to all, and congratulations to the parliamentary staff for the work that has been done. I have walked around a bit and have seen some of it. It looks quite good. Thanks again to the staff because if the Member for San Fernando East had his way we would have been pelted out of this building long ago; relocated completely out of the Red House. So I am glad to see that we are still here in the seat of democracy in the Parliament.

Mr. Speaker, the Bill before us, as the hon. Attorney General has said, is a very simple one and it is one that I support wholeheartedly. This is a measure that I think we would all support wholeheartedly, but we would say further that it does not go far enough. We are often accused of not supporting bills in this Chamber for all kinds of reasons so that is why I started by saying I support this Bill wholeheartedly.

The Attorney General has spoken about the establishment of a pilot project for the family court. Mr. Speaker, you may well know, from your own practice before you were elevated to this honourable Chamber, and for those who practise in the courts, that there has been a pressing need for a dedicated family court, so I welcome this move, but as I said, it just does not go far enough.

When I asked my Chief Whip in our caucus on Tuesday what we would be doing in the Parliament today and I was told that this was all that we would be doing, I was as disappointed as so many other persons were. We had six weeks off and the Attorney General had promised us, and the public, that there would be several very serious matters, which would have come before this Parliament. Yet

today when I look at this Order Paper I see that there is really nothing new on it. So I want to speak, again, about the legislative agenda for the Parliament.

Whilst it is true that Government has had eight months from last year to now—well not even eight months, it would be about 10 months. In fact, we are now in the First Session of the Eighth Parliament and as of October 16, 2003, we would be going into the Second Session of the Eighth Parliament because this Parliament must be prorogued on or before October 16, 2003, so we would have had a full year within the next month. When I look at the Order Paper of today and most of the past year, I am exceedingly disappointed that after the eight months and, in fact, in the two years that the Government has been in office there has been nothing of substance. [*Mr. Valley stands*] I will give way in a moment. I do not have to but I will be gracious to you today. I will be gracious after six weeks but allow me to finish my point.

Mr. Speaker, I am saying that the legislative agenda, which has been brought to this Parliament in the past year, and most certainly after the six-week break, remains a totally disappointing one. I have to ask myself, as others are asking, whether the Government is serious.

Mr. Speaker, I have looked at a headline from yesterday's *Newsday* and I cannot help agreeing with the writer with respect to this headline:

“Parliament with little to do tomorrow”

That is a headline on the *Newsday* dated Thursday, September 04, 2003.

Mr. Valley: Thank you, Mr. Speaker and hon. Member. I think the Member, as she said in her contribution, knows that Parliament has to be prorogued on or before October 16, 2003 and I am wondering whether she would consider, bearing in mind that when Parliament is prorogued, Bills on the Order Paper would lapse and whether it makes any sense for the Government to introduce any new legislation at this time.

Perhaps this might be an appropriate time to inform hon. Members that the intent of the Government is to prorogue the Parliament on September 12, 2003, for roughly a two-week period and to begin the new session on September 29, 2003 with a ceremonial opening of the Parliament, bearing in mind that we do have a new President of the Republic of Trinidad and Tobago.

I am simply saying that if the Member considered the fact that prorogation means certain things, she would not have made the statement that she made a while ago.

Mrs. K. Persad-Bissessar: Mr. Speaker, I said I would be so gracious today but the hon. Member has been most ungracious by saying to me that I do not understand what I am saying, and that if I had understood, I would not have said it. I totally understand what I was saying and I repeat it because you have, in fact, now substantiated the point that I was making and will continue to make, which is to say that if this Parliament is to be prorogued on or before October 16—today is what date; September 05, 2003? We are into September 05, 2003 and because we are going to prorogue on September 12, 2003, we must do nothing.

Mr. Speaker, here it is we have the Integrity legislation without forms, the Government promised to do the regulations on the forms, and we could have dealt with that today. We have the entire month of September and until October 16. You are saying, however, do not worry, we are going to prorogue down the road and—[*Interruption*] No, you want to shut it down on September 12, 2003 but I am saying that you do not have to. We have had six weeks of recess but you want to shut down the Parliament on September 12, 2003. Do you understand? We had a six-week recess; we have come back for one week and now the Government is going to shut down the Parliament until September 29, 2003. We had almost two months—[*Interruption*]

Mr. Speaker: Order! Order, please!

Mrs. K. Persad-Bissessar: We had six weeks already and this is the point I am making. Are you guys serious? Is the Government serious? There is no proper legislative agenda. There has been none for the entire eight to 10 months that you have been in office and you have come here today to tell us. “Well, we did not bring anything because we are planning to shut down the Parliament; we are going to prorogue the Parliament.”

In fact, I had heard, Mr. Speaker; town was saying that at midnight tonight the Parliament would have been prorogued. But you see they have to save certain documents. When they tried to sneak that report in here without the proper signatures, they were going to save the workings of that committee because they were going to prorogue the Parliament! [*Desk thumping*] That is why they tried to sneak that report in here today without telling us—[*Interruption*—without putting it on the Order Paper but on the Supplemental Order Paper. That is what they intended to do! That is what town was saying! But they cannot save the work. They have to come back next week so that they could do what they should have done in the six-week recess and in the year that they were there.

Mr. Manning: Would the Member give way?

Mrs. K. Persad-Bissessar: Mr. Speaker, I would be gracious and hope that the hon. Member would also be gracious.

Mr. Manning: Mr. Speaker, I thank my colleague, the hon. Member for Siparia for giving way. There was never any intention of the Government to prorogue the Parliament today. The time frame that has been identified by the Leader of Government Business is the time frame on which the Government has agreed. We do not know of any other schedule for the operations and conduct of the Parliament's business.

Mrs. K. Persad-Bissessar: Thank you, but I really do not know whom to believe. I am hearing totally different things! Mr. Speaker, with respect to the explanation just given that we did not lay any new bills because we are going to shut down this Parliament and so the bills would lapse, well all of us know and you have been in Parliament long enough, Member for Diego Martin Central, that when a bill lapses all that has to be done is to re-lay it when the new session begins, so that is not an obstruction or a barrier to laying anything to show the seriousness of intent.

Hon. Morean: Mr. Speaker, on a point of order. *[Interruption]* *[Mrs. Persad-Bissessar still on her feet]*

Mr. Speaker: Please! Members, I am on my feet. Hon. Members, we have had a six-week recess, as Members are fully aware, and I want to let Members know what happened in the past is not going to happen in the future. I am therefore appealing to Members to behave themselves properly and to set an example to the public, by and large.

The hon. Attorney General is asking the hon. Member for Siparia to give way. Are you giving way, hon. Member for Siparia? *[Interruption]*

Hon. Morean: Mr. Speaker, I am standing on a point of order.

Mr. Speaker: Oh, you are on a point of order? Sorry. *[Interruption]*

Mrs. K. Persad-Bissessar: Am I going along the whole Bench here today? *[Interruption]*

Mr. Speaker: The hon. Attorney General has risen on a point of order. *[Interruption]*

Mrs. K. Persad-Bissessar: Mr. Speaker, if it is on a point of order.

Mr. Ramnath: Let the Member for Siparia speak. Why are you all disturbing the Member for Siparia? *[Interruption]*

Hon. Morean: Mr. Speaker, on a point of order. The hon. Member is misleading the House in that there is a Supplemental Order Paper setting out the bills. It is untrue for the Member to say that there are no new bills.

Mr. Speaker: Your point of order has been overruled. Do you have a point of order, Member for Arouca South?

Mrs. Robinson-Regis: No, I was asking the hon. Member to give way, Mr. Speaker. [*Interruption*] [*Member for Siparia stays on her feet*]

Mr. Speaker: The Member is not giving way.

Mrs. Robinson-Regis: You are not giving way to allow us to lay the right record before the House. [*Interruption*]

Mrs. K. Persad-Bissessar: The Member would have her opportunity.

Mr. Speaker: The Member is not giving way. Please continue, Member for Siparia.

Mrs. K. Persad-Bissessar: Thank you, Mr. Speaker. [*Interruption*] I had to take on the Member for Diego Martin Central, San Fernando East, the Attorney General and now the Member for Arouca South. You will have your turn. You will speak after me and I am sure you are going to enjoy it.

Mr. Speaker, I am talking, again, about misleading the House and I did mention that there was a Supplemental Order Paper, which we got today when we came to the House. It did not come to us as papers would normally come; we got it when we came here, with that same report that was put in. Be that as it may, Mr. Speaker, when the hon. Prime Minister—and I trust that he is honourable and his words are well-intentioned—said that this was the reason, that it really was, in fact, the reason but I do not know what to believe.

The Member for Diego Martin Central has given one reason why new bills were not brought forward. When I read this same *Newsday* article, however, I saw another reason being put forward by the Attorney General as to why no new bills were brought forward. It had nothing to do with the fact that the Parliament was going to prorogue and the bills were going to lapse; nothing to do with what the hon. Member for Diego Martin Central has said, so he has a totally different reason from that of the Attorney General.

I want to read the article from the *Newsday* because it is very important and because we have raised that issue about a legislative agenda before in this Parliament. I want to reiterate it and hope that when they take the next break—

because we are just here for one week, Mr. Speaker—that they would bring the appropriate legislative agenda so that we could take the Second Session of the Eighth Parliament fruitfully forward.

Mr. Speaker, I will read from the article in the *Newsday* dated September 04, 2003, on page 5:

“Parliament returns after a long recess with little to do—”

Good newspaper and good reporter; the article is written by Ria Taitt.

“at least at its first sitting, which takes place tomorrow.

None of the things which Government promised to have ready at the resumption are ready: neither the bills required to make the Caribbean Court of Justice a legal reality nor the declaration forms for the Integrity in Public Life bill.”

Mr. Speaker, what we got with respect to that Caribbean Court of Justice was this. [*Member holds up documents*] And we had a long PR statement from the hon. Attorney General about the Caribbean Court of Justice. What is this about when the Government has already opened the stable doors? It has put the cart before the horse. It has already set up court and done everything and it is now coming to the Parliament to bring those instruments—after the fact? It was total disrespect and contempt for the workings of the Parliament that was demonstrated here today. It was already done without the support and approval of the Parliament! The Government has come here today to make this very long statement but still did not bring the Bill for the Caribbean Court of Justice that it had been promising. [*Interruption*]

Mr. Speaker, the hon. Attorney General should know by now that if the bill lapses today and the Parliament is reopened tomorrow that it could re-lay it. At least this would have shown the seriousness of its intent that when a promise is made for the resumption of the Parliament that it would keep the promise. It did not do that. I will repeat the quote:

“None of the things which the Government promised to have ready at the resumption are ready: neither the bills required to make the Caribbean Court of Justice a legal reality nor the declaration forms for Integrity in Public Life bill. The report of the Airport Inquiry, which cost the taxpayers \$5 million, will not be tabled on Friday. Furthermore, none of the pre-Budget papers would be laid although the Parliament has to pass the Appropriation Bill by September 30.”

Mr. Speaker, that is another point, the Member for Diego Martin Central has revealed something very serious to us, something that we did not even know. As far as I know the law of the Republic of Trinidad and Tobago, the budget needs Parliament's approval on or before September 30, but because of peculiar circumstances last year, Government was able to bring a budget in October. Mr. Speaker, the Government is now taking that as a precedent, so we are not having a September budget, as has been the norm, the practice and convention in this country, we are instead going to have, under that PNM Government, an October budget. That is what it means! So by the Member for Diego Martin Central telling me that they are coming back on September 29, and it has laid no budget documents; the documents are going to lapse—poor thing, you are so worried about lapsing that you are going to come back in October.

Mr. Speaker: Hon. Member, I think you have made your point sufficiently well. Let me remind you that we are debating an act to amend the Supreme Court of Judicature Act, Chap. 4:01. You have made your point for 15 minutes and I think it is well taken.

Mrs. K. Persad-Bissessar: I thank you very much for your very kind words of praise in the way in which I have made my point, Mr. Speaker, but with due respect I did not open this debate; the debate was opened by the Members on the other side.

I would like to continue to comment from the *Newsday* on this matter. And so the budget has now been shifted. Different budget; you have to shut down the Parliament; you want ceremonial opening and so on and the new budget date is now in October, 2003.

“Parliament would debate the relatively insignificant piece of legislation—the Supreme Court of Judicature Amendment Bill, which is designed to increase the number of judges. The debate on this Bill...”

The reporter was very hopeful.

“once it stays on the issue at hand, is expected to be very short.

Asked to explain why after a six-week break there appeared to be no business on the Order Paper, Attorney General Glenda Morean assured there was ‘quite a bit’ of legislation to come but they were still going through to the final stages’.”

I have been hearing this for two years now; they are always going through the stages and never reaching here. I continue to quote:

“She added: ‘I can only do my part, which is to bring forward the legislation—and I have been bringing forward the legislation but it gets bogged down in (Legislative Review) Committee.’”

So, it was not me! It was not my fault! In the same way that it was not my fault, it was the secretary of the committee with respect to that report they just tried to put in here. It was not me; blame someone else! I continue to quote:

“The Legislative Review Committee, which is chaired by the Attorney General, comprises Cabinet members and the Chief Parliamentary Counsel.”

What it means and I remember in my days there as Attorney General is that this—

Mr. Valley: You mean the 10 days?

Mrs. K. Persad-Bissessar: Ten days or five days, what does it matter? But I do have a good memory, so I recall that the way legislation is brought to the Parliament, the process is that which allows this Legislative Review Committee (LRC) to look at the proposed legislation, to look at policies and to put them together so it is the staff of the Chief Parliamentary Counsel. In addition to Cabinet Members there is a technical team that assists the LRC. What this is saying, therefore, which is a totally different reason from that of the Member for Diego Martin Central, is that it is the staff of the Chief Parliamentary Counsel who is to be blamed; they screen all the legislation before they go to Parliament.

The Attorney General conceded that at the end of the day she has been taking the blame for the committee's tardiness. Where does the buck stop, Mr. Speaker? The Attorney General is the officer of the Government who is responsible for the legislative agenda. Again, I think, it is disgraceful that it should be that the committee—I would have really liked if public servants could have spoken publicly and could have told us whether they would have taken this blame. I know for a fact that there are hundreds of pieces of legislation, drafted and sitting in the Attorney General's Department and yet it is the committee's fault. It is never the fault of the person in charge; it is that of the staff. I continue to quote:

“Morean stressed that several pieces of legislation were in the pipeline: the Firearms Bill, the CCJ Bills, Terrorism legislation, Amendment to Mutual Assistance, Extradition Amendment...these Bills have to be ‘signed off’...”

With respect to the Airports Authority enquiry we expected, after all the millions of dollars that were spent on it, that the report would have been laid in the Parliament but now we are seeing something else, Mr. Speaker. It is being looked at! Who is reviewing that? Bring it to the Parliament and let us see it! We

Supreme Court of Judicature (Amdt.) Bill
[MRS. PERSAD-BISSESSAR]

Friday, September 05, 2003

had warned all along that that was a total fiasco; a total circus and now they are finding this out for themselves so they cannot bring it forward to lay it in the Parliament.

Mr. Speaker: I was just about to tell you to—

Mrs. K. Persad-Bissessar: Come back on track.

Mr. Speaker: Yes, please.

Mrs. K. Persad-Bissessar: I am sorry but this *Newsday* report is so good and I really wanted to read all of it, Mr. Speaker.

Mr. Speaker, as I summarize that point, I am saying that there is no legislative agenda, none whatsoever; there is nothing of substance. When one looks at the bills laid in this Parliament and those that were transposed into Acts from 1995 to 2003, again, one sees that very few bills of substance, if any, have come to us. Therefore, I am making a plea again, if the Government is serious about the people's business it should get its house in order and deal with the legislative agenda.

Mr. Speaker, here we are with an amendment for the Supreme Court of Judicature Bill to be increased from 20 to 23. Again, this has to be looked at not just in the context of the family court—that is why I said I am supporting the pilot project for the family court. When we are speaking about the administration of justice we should look at it holistically.

The Attorney General was at pains to point out the improvements that were being made with respect to the administration of justice in this country. I welcome those and am particularly interested in and would really like to see, get on the way, that last decision of Cabinet that was made yesterday. I think every practising lawyer and every person who is interested in justice in this country want to see that audio recording digital system placed in the courts at the earliest possible opportunity. Again, I would ask the Attorney General when she is winding up to tell us when this would start and how it would work.

Mr. Speaker, I was in the Magistrates' Court earlier this week and the situation there is horrendous. I am not speaking simply about the courtroom because that is horrendous. I know the Attorney General would get up and tell us we left it so; the UNC did not do anything about it and so on. That does not exonerate the present Government from taking steps to do its duty. What I saw in the San Fernando Magistrates' Court is not only with respect to the physical condition but also with respect to what was happening to persons who were brought before the court. There are 50, 60 to 80 matters in a 10 ft. by 10 ft. room and every matter is

being adjourned because obviously the court does not have enough time to deal with those matters. Every one of those matters is being adjourned and not being adjourned for within this year but within periods of next year.

Mr. Speaker, I do believe that you would recall, because you were with us in 1996, when the increase was made to the number of judges in the High Court, the number of judges in the Court of Appeal and the number of magistrates to bring it up to 20. When we came into Government in 1995 one of the first things that I did as Attorney General was to take to Cabinet a proposal for increasing the number of judges in the High Court, the Court of Appeal and the Magistracy, together with the structures and the supporting staff. That was done prior to the budget and to the legislation being brought to Parliament. There would have been no point if we had brought it to the Parliament but did not create and provide, within the budget, for moneys to be available to implement the legislation when it came. So we got within the budget and had the budget approved for those increases in the Magistracy, in the Judiciary at the puisne level and the appeal level. That was done and then we came with the legislation.

The reason we did that then was because of what had become a really stupendous backlog of cases—[*Interruption*] It was so huge that you could not imagine. [*Interruption*] Yes, enormous as well, Sir. The backlog was humungous, yes; all those words, and every single one of them would suit. Mr. Speaker, I remember, in this Parliament, we talked about the case that took 19 years. Those litigants were waiting for justice and the case was determined after 19 years.

Mr. Speaker, I recall the famous Gurley Report, which had been commissioned by the PNM Government, prior to 1995. I think, somewhere in 1992 recommendations were made for the Magistracy, in the Judiciary, in the Court of Appeal level and the High Court level, and then as now, the Government did not implement any of those recommendations in that report. One of the things we had to deal with immediately was to try to bring those increases to deal with the backlog of cases in the courts. There were other things that happened over the past six years, so that what would happen today is that whilst there is still a backlog, that has been reduced, substantially. I would have been very happy if the Attorney General, in her winding up, would give us some statistics so that we can see whether a further increase in the number of judges is justified because the hon. Attorney General has indicated that she may want to come back here for a further increase.

3.00 p.m.

I would like to quote some of the statistics because that is what I recall at that time the situation was in terms of backlogs, and why the numbers were increased.

I am saying this because, in addition to assisting with the functioning of this pilot project for the family court, there is a real need for increasing the number of judges just for the jurisdiction of the existing High Court. There has been some ease up in the criminal jurisdiction but for those engaged in civil litigation, it is still too much for the judges to handle and there is still that waiting period that is too long. It is said "justice delayed is justice denied". If we are serious about all these reforms the hon. Attorney General spoke about in the transformation of the justice system and so forth, it would mean nothing if you do not have judges delivering their judgments in a timely manner. I remember the kinds of statistics we had then and the changes that have taken place over the years and even when we made that increase from 16 to 20 in 1996, it was still not enough. The intention was for that to be further increased for the existing jurisdictions of the Supreme Court.

In the High Court, civil division, in 1988/1989 there were 10,622 cases listed. Only 56 per cent of those were determined. In 1989 to 1990 there were 15,553 cases listed and only 5,462 or 35 per cent were determined. In 1994 to 1995 there were 18,000. In Trinidad and Tobago the citizens are really a very litigious society. The smallest dispute ends up in the courthouse, the place where justice for settling disputes takes place and there has been a steady increase in the number of cases being filed. There were 18,468 in 1994/1995 but only 5,319 or 29 per cent of them were determined. It was similar in the criminal jurisdiction. In 1991, 585 criminal cases were listed and only 334 were determined. In 1991/1992, 249 of the 546 cases listed were determined. In 1994/1995, 243 and only 36 per cent of the listed cases were determined. In the Magistrates' Court the backlog and the number of cases filed were even worse in the magistrate jurisdiction. Between 1982 and 1985 the number of criminal cases filed increased from 70,450 in 1982 to 92,025 in 1995 and when we looked at the number of cases being disposed of, they were very small. I am giving these statistics because these are what I have and I am sure the hon. Attorney General would have access to the statistics. I am asking that she make these available to us. How many cases are being filed? How many are being determined? And while we see that the honourable Chief Justice is very happy with the increase in the number of judges, the honourable Chief Justice has indicated that he wanted more judges and I quote from the *Express* of July 17, 2003:

"Chief Justice Sat Sharma said yesterday he would have preferred the number of High Court judges to be increased from 20 to 28 rather than to 23.

He was nevertheless happy that Government has passed legislation in the Senate on Tuesday to amend the Supreme Court of Judicature Act to increase the number of permanent judges.

In addition to the 20 permanent judges there are two temporary judges,..”

The hon. Attorney General made mention of the two temporary ones. The Chief Justice said:

“..judges needed time to write their judgments which was not a luxury in Trinidad and Tobago as compared to other jurisdictions.

‘There is no sense in getting a speedy trial when judges don’t get time to write their judgments.’”

In this very article, it is mentioned that the Chief Justice had indicated that he would have liked to see an increase from 20 to 28.

When this was done and I am not sure if the honourable Chief Justice then in asking for eight more judges of the High Court whether those were to service the new family court pilot project and the established jurisdictions of the High Court, or if this is eight more judges as separate from the three that the hon. Attorney General has identified for the family court, in which case we are now talking about an increase of 11 that we would need. Or perhaps, it is the eight and three to go to the family court jurisdiction, and five to go to the other jurisdictions of the High Court.

It is very clear that what we are doing here today whilst it is welcome, it is not enough. Why is it that we need to come back when we could deal with it right now? We are already talking about a legislative agenda that is non-existent, it is a number. We are already talking about a legislative agenda where you do not want to put a Bill because it may lapse, because you are going to shut the Parliament down. Why do we not, within this very simple little piece of legislation, amend the Supreme Court of Judicature Act by deleting the word “twenty” and putting in the word “twenty-eight” when the Chief Justice had identified “twenty-eight” as the number? If it is that the Government knows that he means 28 plus the additional three for the family court, then we should go up to 31.

Mr. Speaker, this does not mean that when this Bill is passed and is assented to, that the very next day you are going to hire these additional ten, eight or three judges or whatever the case may be. It does not mean that at all. The way section 5 of the Supreme Court of Judicature Act is drafted, it says judges would be no less than six and no more than—in this case, it is no more than 20. What you would be doing is making the provision now and you would have that flexibility down the road. As you put the support mechanisms in place you would not have to come back to the Parliament to amend this; to have a three-clause Bill again to add three more judges. Put it now. The hon. Attorney General attempted to pre-

empt this argument when she said some may say we should increase it now, we should put more now. The Attorney General did not think that was important at the time because she said there would always be other things to do. The hon. Attorney General indicated that the priority now is for the three in the Family Court and I totally disagree. The priority must be to provide the judiciary and if now you are swinging arms with them as you say, and there is such a loving relationship between the Executive and the Judiciary and the Chief Justice has said so clearly, he wants to see an increase of eight more, then this is a tremendous opportunity to show that there is indeed, this tremendously good working relationship between the Executive and the Judiciary. Why come back?

When the hon. Attorney General said to us in her presentation today that in 1999 there was a Cabinet Note submitted to the then Cabinet from the Judiciary asking for judges to be increased, I think it was to 25, it means way back in 1999 the Judiciary was saying we need five more judges. What further reports are we waiting for when we are presented with an ideal opportunity today within this very clause 2 of the Bill, to say section 5(1) of the Supreme Court of Judicature Act is amended by deleting the word “twenty” and substituting the word “twenty-eight” instead of using “twenty-three”? Why can we not do that? I would like the hon. Attorney General to explain that.

The explanation cannot be that you do not know. The Chief Justice has so indicated, the hon. Attorney General has said that in 1999 the Judiciary via Cabinet Note to the then Cabinet asked for five more judges and the Attorney General now wants three more for the Family Court. So it is clear that the twenty-eight would not be forcing anything on the Judiciary that they do not want. In fact, it would be a most welcome move on the part of the Government to continue that very good relationship with the Judiciary, but not only is it important for the Judiciary, it is important for us, the citizens of this country to always feel, and must always be comfortable in a society such as ours where we are governed by the rule of law. That is the pillar of our democracy. The rule of law is the pillar of our democracy, and every person small or big, from north, south, east or west must feel when he or she stands before a judge, stands before a courtroom for justice that he or she must feel that he or she has that opportunity for justice to be reasonably and within a reasonable time within and that is not happening now. Why?

It is no fault of the judges. The judges are overworked. In addition to time that they sit in the courtroom they have to spend time researching and writing their judgments which is what had come up in 1999. They were saying we need time to be able to write the judgments. The Chief Justice is saying we need time to sit and

write these judgments because we could have a speedy trial by putting in audio digital recording to take the notes very quickly to have the trial completed early and quickly. Judges do not have the time to sit and write their judgments because they have to be outside the courtroom to do the judgment. In addition, our judges, unlike those in other jurisdictions, do not have the assistance of research help. They research on their own and they are guided by the lawyers when the lawyers stand in the courtroom and give them the authority. There are judges who want to check out those authorities and who do not have that kind of assistance. So again, we need more judges who can be given that time and the support of a para judge, if you like, a research assistant. If you agree with me then put it into place and let it happen. [*Crosstalk*] Everything is why we did not do anything. We did what we could have done but there is more to do. There would always be more to do. The system would continue to grow and, therefore, you have to continue to work. It does not stop today; it continues with each day that comes.

I am saying the need for an increase in the number of judges is clearly there. It is not only for the family court which is what the hon. Attorney General is saying these three judges are for, but there should be other jurisdictions of the Supreme Court.

I know my friends from Princes Town and Pointe-a-Pierre would have other points to make. But, I am very concerned with the fact we are saying there are 20 judges presently in the High Court and there are two temporary judges. But how long is temporary? How long are these judges going to be temporary? I understood one is temporary for over a year. Is that temporary for a judge to be sitting on a high court bench and say that one is temporary? It is clear if you have two temporary judges—the Attorney General knows there are two temporary judges. If they were there for lengths of time then it is clear you need two more permanent judges. Why is that important? It is very important if the independence of the Judiciary is to be maintained that the judges have security of tenure. It is very, very vital and if you are a temporary judge for three months and have to be renewed every three months then one has no security of tenure. I am hanging on into somebody's coat tail. I would have to give a judgment that someone likes so that they can continue to renew my contract every three months. That should not be for the administration of justice in this country. If that independence of the Judiciary is to be maintained then confirm these two positions so right away we know for a fact we have judges who are no longer temporary; but they have to go back for renewal of their contracts. That should not be.

Whilst it pains me to say what I will say here today, and you may stop me because it is a privilege of the Parliament, that very system of the temporary

judges—I know we brought that legislation to the Parliament to assist given the circumstances and to ease the situation—it was never meant for a person to be temporary for over a year to become a temporary permanent on the job, permanent temporary or whatever. That was never the intention when we brought that legislation. We brought a number of other pieces of legislation to deal with reforming and transforming the system of justice in this country and we have made tremendous headway. That was one of them but that was never the intention. I know that there are within the practice of the law and I cast no aspersions on any specific individual but there are serious concerns about the temporary judges because they have to go back into the practice of the law, and they have linkages with practitioners who give them briefs, who give them work out there. When they sit on the bench and those practitioners come before them they operate in a certain manner and that is what we want when we say we want independence of the Judiciary. You cannot have them hanging on not knowing if the contract is going to be renewed. There is legislation as the hon. Member knows, and I am reminded by my colleagues when you become a judge you cannot go back into private practise for tens years, and, therefore, when you sit on that bench you are independent, you have security of tenure, your job does not depend on anybody. They cannot fire you like that.

Secondly, when you demit office you cannot go and practise the law so you do not need any of those laws. You can dispense true justice. That is not happening with these temporary judges. I am not saying any one of them is not doing it but I am saying there are serious concerns right now in the profession about the independence of the Judiciary. [*Interruption*] That is what I am saying and, therefore, make two positions now. The hon. Prime Minister is agreeing with me. Let us cut it out now he is saying. Remove the temporary judges and increase the number of judges as the honourable Chief Justice has asked and you know you have two temporary judges who have become temporary permanent. Why you do not do it now? Why do we have to wait until some other further report? I remember we used to always talk about all the white paper and green paper and the PNM Government being so much into preparing paper and report. Before you know what happens, five years are up and not one of these reports is implemented, nothing done. So I am asking the hon. Attorney General to consider an amendment to the Bill that is before us. That is to say, instead of increasing to 23 to put it to 28 at this time.

I would further suggest to the hon. Attorney General and I think she did mention that there is \$10 million in the budget for the development programme for the Judiciary. I am not sure, and I ask through you, Mr. Speaker, \$10 million

for the audio digital recording system and I would be very happy for some more details. When is this proposed to start? What is the process? What are the steps? How long would we have to wait? It is a tedious and painful task for those who come before the courts and for the lawyers who practise before the courts as we all know for every word a person says to be written by hand. I welcome some more details on that. In terms of what is going to happen, has any provision been made in the budget for these three additional judges? Is there a budgetary approval in terms of allocation for the budget that is to come? Again, no point in putting these three judges in the legislation and no money in the budget. But in addition to the moneys for the judges, the support staff that the judges would need, has the money been approved to be allocated in the budget that is to come?

And with those words, I thank you very much, Mr. Speaker.

The Minister of Legal Affairs (Hon. Camille Robinson-Regis): Mr. Speaker, I rise to support the Bill that is before the Parliament this afternoon and to clear up some of the misinformation that has been pervaded by the Member for Siparia. Let me say from the outset that it is quite interesting that those on the other side, if I do believe what the Member for Siparia has said, are now talking so loudly about the independence of the Judiciary. In circumstances where in a previous incarnation they were the ones who, on more than one occasion, through their then attorney general and ably supported by all of them on the other side, did all in their power—except the Member for Couva South who was in the political wilderness at the time) and determined that they would try everything in their power to remove the independence of the Judiciary to such an extent that they went so far as to ask for a Commission of Enquiry into the operations of the Judiciary. So while they sit on that side and talk about nonsense and so forth, the facts speak for themselves and they cannot change history. That is now history, Mr. Speaker.

It is also very amazing to hear the Member for Siparia talking about putting the cart before the horse in relation to the Caribbean Court of Justice when they were the ones if I may be allowed to refresh their memories, who first determined that Trinidad and Tobago should not only accede to a Caribbean Court of Justice, but they were the ones who determined that Trinidad and Tobago should be the seat of the Caribbean Court of Justice. The Winsure building, if you go now to Richmond Street, you will see that building, Caribbean Court of Justice. They were the ones who first said that they would refurbish that building and prepare it for the judges of the Caribbean Court of Justice, and now they are talking about putting the cart before the horse. They are the ones who first signed, and brought these documents before they were finalized and laid them before the Parliament of

Trinidad and Tobago. When the Attorney General gave her statement today, she indicated that it was since the year 2000 that the then attorney general laid these documents, not in their final state but in draft form, before the Parliament of Trinidad and Tobago. So when they try to mislead the Parliament and the public, it is a state that we must be alarmed at. They also spoke in the Parliament today that if public servants could be allowed to speak, what they would say on different issues.

Mr. Speaker, if public servants were allowed to speak, they would talk about what happened with the Third Special Report of the Joint Select Committee appointed to consider and report on the Police Service Reform Bills. Because if public servants were allowed to speak they would tell this honourable House and the national community that the Members on the other side gave the undertaking that they would sign the report. Today it was passed to them, they said that it was merely a procedural matter and as a consequence of that they have no difficulty with signing the report, yet they got up and said something totally different. [Crosstalk] [Desk thumping] If they have a conscience which I doubt they do, they should apologize to the public servants in this Parliament.

Mrs. Persad-Bissessar: On a point of order, Mr. Speaker.

Mr. Speaker: What is the point of order?

Mrs. Persad-Bissessar: Standing Order 35 which speaks about imputing improper motives. The hon. Member is saying that I have lied on this issue. I never told any public servant I would sign any document. That is why I raised it here.

Mr. Speaker: Order please! I am ruling against the Member. Please continue.

Mr. Valley: Would the Member give way please? Mr. Speaker, honestly, I believe this is a simple matter, one of credibility. The public servant is here.

Mr. Speaker: Please, I am not going to allow that. [Crosstalk] Hon. Member for Arouca South, please continue.

Hon. C. Robinson-Regis: Thank you very much, Mr. Speaker. Despite the fact that the Member for Siparia is trying to deny, if public servants could speak they would tell us exactly what I said. It is really unfortunate that the Member for Siparia would get up in this honourable House and pretend to the Parliament and mislead this honourable House on such a simple issue, a procedural matter, as she rightly said. It is unfortunate.

While the Member for Siparia talks about the state of the Arima Court, if you would recall in relation to the Arima Court in particular, the attorneys and the

magistrates at one time decided that they would not sit in that particular court and it was during the governance of the hon. Members on the opposite side. They did absolutely nothing about it. They sat there for six years and did absolutely nothing about it and now the Member attempts to blame this Government when it is working systematically in ensuring that all the things that they did not do, and it is a myriad of things that they did not do during that six-year period. All the things that they did not do, we are doing them systematically and making sure that the people of Trinidad and Tobago benefit from a People's National Movement government in office.

The Member for Siparia indicated that the honourable Chief Justice said that we should increase the number to 28 judges. She even indicated that a proposal was brought before the Cabinet of which she was a part which said that we should increase the number by five. Let me indicate that it is clear that there may be a need for more judges than the three that we are increasing now. We are not denying that but it is also clear that when any increase is made there is the need for increased staff, there is the need for accommodation and there is the need to put the systems in place. We are not going to sit as the Government and do things that would just not operate in the best interest of the Judiciary, of the people of Trinidad and Tobago. The Member for Siparia talked about more judges but the systems must be put in place to ensure that the judges can be properly serviced. We are not going to find ourselves in a position where there is legislation on the books and because we have not put the systems in place the legislation cannot be implemented.

So when they sit on the other side and talk about legislation, they are the ones who brought the Community Mediation Bill and today, because the systems were not put in place the Bill sits on the books and nothing can be done because the systems had not been put in place when the legislation was passed. The Companies legislation, we had to come and make amendments to that legislation. The Family Court Bill cannot be implemented as the Bill suggests, because the Family Court Bill needs systems to be put in place for it to work.

Their very beloved Equal Opportunities Act, is in a similar position.

Mr. Speaker: Hon. Member for Chaguanas, please, you would have your chance. You would have 75 minutes of it. Also the Members Chandresh Sharma and Hamza Rafeeq, please if you could allow the Member to make her contribution. During the entire contribution of the hon. Member for Siparia you all conversed. As I said in a little note I passed you, it is not complimentary to her or to the honourable House. So let us observe some protocol and decorum in the honourable House.

3.30 p.m.

Hon. C. Robinsoin-Regis: Thank you, Mr. Speaker.

Mr. Speaker, they passed legislation and it just sits on the books because no systems were put in place. Some of the legislation cannot even be implemented because absolutely nothing was done. Nothing was done and the legislation just sits on the books.

The Member for Siparia talked about temporary judges as if we are the Judicial and Legal Service Commission. They are the ones who, at the very outset, attempted to interfere with the work of the service commissions and former presidents, former chief justices and a sitting chief justice had to rise up and say that this cannot be allowed. If you remember the Constitution (Amdt.) Bill that they brought, the Judicial and Legal Service Commission will deal with this circumstance. It is an independent Commission and we will not interfere.

Mr. Speaker, I want to make it clear that we on this side have said, as the Attorney General has said, that the three judges are needed now to ensure that the pilot project of the family court is put in place. [*Desk thumping*] We are before this House today supporting that legislation. I think it is highly improper, and it is a very sad day when the Member for Siparia could stand in this Parliament and mislead the House almost throughout her entire contribution.

I stand today in support of the legislation that is before the House and ask that, in future, Members of Parliament do not mislead the House in the way that the Member for Siparia did today.

Thank you, Mr. Speaker.

Miss Gillian Lucky (*Pointe-a-Pierre*): Mr. Speaker, please permit me, before I begin my contribution this afternoon, to express condolences on behalf of all Members of Parliament to you and your family on the recent death of your mother.

Mr. Speaker, I, too, thought that coming here this afternoon would have meant that there would have been a different dispensation taking place here in the Parliament; that Members on the other side would have recognized that no contribution must show that there is any political agenda taking place, but that everything being said here this afternoon would really be said in the best interest of all citizens of Trinidad and Tobago. But, really, after hearing the contribution of the hon. Member for Arouca South, all I can say is that some things have not changed. Therefore, what I intended to be a very mild and sober contribution—I

feel so outraged by some of the untruths said, I am sorry to have to indicate to this honourable House that whereas I really hoped to have tempered what is sometimes described by reporters as a very vivacious and unbridled spirit, I am afraid that I, too, would have to be my normal self, and that is, to set the record straight once and for all. [*Desk thumping*]

Mr. Speaker, much is being bandied about about conversations between a very hardworking and committed person who is attached to the parliamentary secretariat, working in the Parliament, and conversations with various Members on this side. Unless the carnivore system is in operation, and the rules of hearsay is allowed to be breached—and people have been eavesdropping, or there is telephone tapping and we do not know—then it is wrong for any Member on the other side to stand up and talk about conversations which they ought not to be privy to. So, I, this afternoon, would unfortunately have to spend a few minutes indicating what occurred in the conversations that I had with the relevant person when I was called at approximately 8.37 this morning.

Mr. Speaker: Before you continue, I hope that you would not bring, unduly, any public servant into your discourse.

Miss G. Lucky: Mr. Speaker, you are assured that the rules that I adhere to in courts of law where I recognize that one must not, in any way, impugn the character of others, that is the kind of ethics, traditions and conventions that I bring every time I am in this parliamentary Chamber. [*Desk thumping*] I wish those on the other side would do it because there is a code of ethics that we as professional attorneys are suppose to adhere to, Mr. Speaker. I can assure you that those ethics, traditions and conventions are never breached when I am here in the Parliament—except, Mr. Speaker, in the courtrooms, I am often told that I speak too fast because we do not have enough CAT Reporters and there is no such system of recording evidence in the Magistrates' Court.

Mr. Speaker, all I would say is that no such undertaking was given by me. I will go on to say that I went so far as to indicate that before any Member on this side—and there are three of us who belong to that particular committee—would sign, the way we operate in the UNC is that we caucus and discuss and that I did not want to give any undertaking until I spoke to my two colleagues, the hon. Member for Siparia and the hon. Sen. Wade Mark. That is what I indicated and I adhered to it.

I did not receive any call at 10 o'clock and, in fact, when Sen. Mark called me I indicated to him, quite categorically, my concern that I felt we ought to have

seen the report. I even commended the officer here for the manner in which he dealt with it and indicated to my colleagues on this side that bearing in mind there had been no undertaking, when we get to Parliament we would then indicate whether in fact, having seen this report, we would be in a position to sign it. That is the position. It is the truth, the whole truth and nothing but the truth and I stand by it. [*Desk thumping*] If there is telephone tapping taking place in this country, I challenge the person who has tapped the telephone to bring my conversation with the honourable officer who works here. Let me not allow myself to be detracted by persons who feel they can stand in this Parliament and say what they want, “ramajay” and get away with it. Gillian Lucky will not stand for that here.

Mr. Speaker, much is being said about the independence of the Judiciary and the fact that the former regime is alleged to have undermined it. Let me indicate that assuming, but not admitting, that is in fact true—Mr. Speaker, I do not think I need your protection at this stage, unless you think so—that is not a defence for points being made on this side and reasons being advanced on this side as to why there should be an increase in the number of judges, not simply 23, but an increase to 28, the number that the honourable Chief Justice of the country indicated that he would have preferred, of course, the report was read by the hon. Member for Siparia.

Mr. Speaker, the Member for Arouca South spoke about the Commission of Enquiry that had been established by the former regime. Perhaps the name slipped her—of course, when you are in a courtroom you do not just make mention of a commission of enquiry, you normally state its name. It was the Lord Mackay Commission of Enquiry which had a mandate to determine and assess the administration of justice as a whole, and more so, to make recommendations to ensure that the administration of justice in Trinidad and Tobago was moving efficiently and effectively.

The fact that any government was prepared to spend considerable time and energy and whatever money it might have cost to pay for such an enquiry, and was prepared to listen to what was happening with respect to the administration of justice and to make recommendations to improve the efficiency and effectiveness of the administration of justice as a whole in Trinidad and Tobago, as far as I am concerned, is an important indicator to show that that former regime was committed to the true democratic principles and was prepared to give priority to the administration of justice in Trinidad and Tobago. It is really sad that a former regime that ought to be commended for taking such a bold and brave step is, in the year 2003, being chastised for doing something which lead to several very

commendable recommendations, some of which have been implemented and have, in fact, led to the speedy and more efficient dispensation of the whole system of justice as it operates in Trinidad and Tobago.

Mr. Speaker, Members, such as the hon. Member for Arouca South, have to understand that if you want to move forward in a country and you want to take everybody forward, you cannot keep looking back and criticizing what might have happened in the past without doing anything yourself and without justifying why you are taking the steps you may be taking. If the hon. Member for Arouca South was sitting in her seat I would tell her to try, during the tea break at half past four, to get to the tea room looking backwards and see how far she would reach. So, to stand up and say that the former regime did this and the former regime did that, without more, is really to show that the hon. Member for Arouca South, with the greatest respect to her, really had little or nothing to say in support of the legislation that has been brought by the hon. Attorney General.

Let me at this juncture say, quite categorically, that I am happy that this legislation has been brought by the hon. Attorney General. In fact, I too, give full support to this legislation because I think that any step that is taken in order to improve the manner in which justice is administered in this country ought not only to be commended but ought to be supported. The simple point is, when you bring legislation which has taken time, energy and resources to be put together and you say that you are increasing the complement from 20 which it is now, to 23, recognizing that what is really needed is at least 28, why do we not just do what ought to be done at this juncture? Why is the approach to legislation by the other side always on an ad hoc and piecemeal fashion?

If it is that the hon. Attorney General has explained that, “At this point there is a pilot project for a family court and therefore the present complement is 20 and persons have been saying it ought to be increased to more than 23 but you know, at this stage we would just try it at 23 and if necessary come back”, the reality is you can never have too many judges. I will tell you why, Mr. Speaker—and this is a very novel point which I hoped in Trinidad and Tobago we would already be thinking of especially since there are so many people who advocate for a 2020 vision in this country.

Let me tell you what true 2020 vision is. Right now as you will be well aware, Mr. Speaker, the High Court and Court of Appeal is on vacation. Certain courts sit, but the concept is that in our jurisdiction we have our High Court and Court of Appeal going on vacation. It used to be, if I am correct, for a period of eight weeks, and I agreed with that step—that was reduced from eight weeks to six

weeks. I advocate, as I have been doing for years, that the courts ought not to go on vacation; that we ought to have all our courts operating, as the Magistrates' Courts operate, from January to December every year. What will happen instead is that judges could go on vacation and you could have a rotation system. A novel idea, more than 2020 vision, that is how the UNC sees things, not thinking in a box, but thinking ahead; not thinking regional, but thinking global and international, looking at what can be done in the long term.

What would be the advantages, Mr. Speaker? There would be so many advantages. It means that with the introduction of the technology that the hon. Attorney General herself has spoken of, in which there will be the quicker access and the quicker methodology in taking evidence—it would not be the longhand as it is now. It means that judges will be expected to give their decisions in a faster time period. Whereas before they might have had days to review evidence, every bit of evidence will now be taken faster, therefore, in terms of submissions, they will be made in a speedier time. Therefore, judges who would want that opportunity to really do their independent research and to determine the merit of the submissions before them, will have ample opportunity to write very thorough, comprehensive and reasoned judgments, especially since we have to boast in our jurisdiction that our jurisprudence and its developments is alive and well. That is what judges want an opportunity to do.

In fact, Lord Mackay was making the observation in the Commission of Enquiry—I remember one of the points raised when I made certain submissions before the commissioners—was that in our jurisdiction there is not enough writing done by practitioners and by extension, by judges. A question that was constantly asked by Lord Mackay when persons came before him, if they were legal practitioners, was: What can you direct me to that you have written? What area of law might you have written some treaty on or given some sort of learning on? That was a deficiency that clearly was brought to light.

Mr. Speaker, the point is, if we at this stage were to increase the number from 20 to 28, from 20 to 25, from 20 to 31, these are things that can be put in place. The point being raised may be, why should we do it now since we don't have the infrastructure and the mechanism. The reality is that even if it were increased as my learned friend, the Member for Siparia, was saying, if the increase is to 28, it does not mean that 28 judges have to be appointed immediately. What it means is that there would be the opportunity to appoint no more than 28 judges. If it is at this point in time there is only a need for 25 then so be it, 25 judges will be appointed. If it is found that the family court pilot project is taking off and going

to higher heights and breaking all records and exceeding all expectation, which I think it will, then it means there will be no need to come back to the Parliament to increase the number but instead of just having one family court in Port of Spain we can have a family court set up in San Fernando, a very booming city that is doing very well. [*Desk thumping*] That is forward thinking, that is beyond vision 2020.

Give the Chief Justice and the Judiciary the level of independence that it needs. Independence of thought and spirit. Independence to think. We have high courts in Port of Spain, we have high courts in San Fernando, statistics are showing that we may need a high court, at least in the criminal jurisdiction, in Arima. How many persons on the other side have sat down and thought that the Arima Magistrates' Court, which my friend the hon. Member for Arouca South referred to, in which I practice very frequently, much more frequently than my friends on the other side, so I can speak about the courts—*ex improviso* I can speak about the whole judicial system because I understand it as former prosecutor/junior minister/acting Attorney General. [*Desk thumping*] I understand it at all its levels. [*Desk thumping*] Court of Appeal, High Court, Magistrates' Court. It is what I have done. It is where I feel I am an expert. Why would the other side not understand that when they are getting good advice they must learn to take it even if they do not commend those who give the advice.

So, in other words, what we should be thinking of now is whether we need to have a high court in the criminal assize in Arima because we must remember that most of the drug matters are dealt with in the Arima court because that is where we have one of our points of exit and entry, that is the Piarco Airport. So, when you look at the numbers—and unlike the other side, I look at the numbers and the statistics—one would recognize that in the Arima court the annual caseload is 53,000 matters per year. That does not mean matters dealt with, it just means matters when you take the average of the daily matters on the lists. Port of Spain is first, that is St. George West, San Fernando is second and Arima is third. That is the kind of thinking we need, so that with a larger complement of judges, this is something that the Judiciary can substantiate.

Mr. Speaker, one of the reasons for increasing the complement would be—and I am talking about increasing the complement beyond 23, and I am suggesting as my friend, the Member for Siparia, said, that is the number 28—the rotation of judges and not having the High Court and Court of Appeal close. We can think then of increasing the number of high courts. We can think also of the pilot project, which is the family court, doing well in Port of Spain and going to other jurisdictions. Then there is another reason, and I am asking the hon. Attorney General, in her winding up, if she would just please give some clarification on this issue.

Right now, according to the hon. Attorney General, there are two judges presently in the High Court who are appointed on a temporary basis. If the number is therefore increased from 20 to 23 it would mean, to me, that two of those increased places would, or ought to go to those two judges who are now on a temporary basis. Therefore, those judges are actually sitting in courts. It means that what you have really done is made provision for one more judge because right now the compliment includes two judges appointed on a temporary basis. Therefore, appointing three more means you have already dealt with two and really you have only increased by one.

That is why I am going to join with the hon. Member for Siparia when she asked that the particular legislation be amended to increase the compliment to 28. All it would mean is that the hon. Attorney General will have to take this Bill to another place where it has already been debated, and it would just be a matter of changing a figure but changing a figure that can be substantiated by the need to have the increased complement of judges.

Mr. Speaker, as I indicated earlier, the Member for Arouca South spoke as though she knew so much about what was happening and what is happening in the Arima court. When the United National Congress was in government there was a recognition on its part that the Magistrates' Courts were in deplorable and unacceptable conditions and the United National Congress began a system of improving the conditions of various courts in the country. I remember well the Tunapuna Magistrates' Court which was really in a pathetic state and when you see what that court is now—four courts, in fact, in Tunapuna—you begin to see that the UNC was really a government of performance, not a government of ole talk. [*Desk thumping*]

I agree that all that could have been done was not done, but I think I get a ready excuse by what was said recently by Minister Christine Kangaloo when she said that perhaps the differently-abled people were expecting too much too soon. [*Desk thumping*] Well, maybe we must rely on that excuse too because Tunapuna Magistrates' Court was improved. I will tell you, Mr. Speaker, San Fernando Magistrates' Court where my colleague, the Member for Naparima and myself practice very regularly is still in a pathetic state of disrepair.

Mr. Speaker, only two weeks ago I very promptly arrived at the Magistrates' Court at 9 o'clock and found that—[*Crosstalk*]

Mr. Speaker: The hon. Member for Pointe-a-Pierre is 10 feet away from me and I am having difficulty hearing her. Please, let us listen to her.

Miss. G. Lucky: Mr. Speaker, there is a complaint that I am shouting, but I am only shouting to get over the noise. Without this noise, now that there is a bit of silence and maybe those on the other side want to learn, I will now be able to modulate my voice and take it down. Now that the noise is down a bit, I can do it, but I will not allow them to stop me from making my contribution because they know I make sense. [*Desk thumping*]

Mr. Speaker, their noise level increases every time I make a good point and it seems that my points are just getting better and better so their noise level is rising. Anyway, I went to the Magistrates' Court in San Fernando and I really felt very sorry for magistrates in Trinidad and Tobago because the entire second court in San Fernando was non-operational. The reason for its non-operation was the fact that there was a stench from an unknown source and the court could not be opened. What happened? The magistrate who sits in the second court had to come across to the first court, deal with her list while the magistrate who would normally sit in the first court had to wait for that list to be dealt with.

Mr. Speaker, you are talking about the operation of Magistrates' Courts in the city of San Fernando. For months we have been hearing from the Attorney General and Members on the other side about refurbishments that would be taking place to the Magistrates' Courts. So much time has passed, why has there been nothing done about the state of the Magistrates' Court in San Fernando? I can understand that you cannot change all the Magistrates Court at once because that would be expecting too much too soon, but certainly San Fernando has been crying out for much better conditions when it comes to the administration of justice with respect to the Magistrates' Courts.

When you hear Members on the other side talk about a caring Government, how can they say that they are a caring Government when they are seeing what persons have to go through on a daily basis when they are going to those courts to get justice. That is all about the PNM ole talk and PNM ole talk is not going to be good enough when it comes to the administration of justice.

Mr. Speaker, I certainly do not stand in the shoes of the Attorney General, but I would just like to make a little suggestion to her this afternoon. After all, I remember a few months ago in Tunapuna she had indicated that she and I were friends and, in fact, made a public declaration that even though we disagree on, it seems, every simple point, the fact is we are friends. I just want, Mr. Speaker, to give my friend, the hon. Attorney General, some advice.

This afternoon whether the hon. Attorney General knows it or not, she has been embarrassed. She has been embarrassed in terms of not having everything

the way it ought to be in terms of facts and figures. If the Attorney General really wants to score some points this afternoon what the Attorney General should do is increase the complement immediately from 23 to 28, any number above 23, take it to the Senate before Parliament is prorogued and say, "Listen, I have done what the UNC has asked". I am telling you she would score so many points that the next time we read of a Cabinet reshuffle we would not be seeing her portfolio being one of them in that category. [*Desk thumping*] She can call me for free legal advice.

Mr. Speaker, the hon. Member for Arouca South has not done her homework. Parliament has not been in session and she has not done her homework. She speaks so glibly about people who are misleading the Parliament. The hon. Member for Arouca South said that the United National Congress passed the Community Mediation Act but did not implement infrastructure so the legislation is non-operational. If that is the case, then I want the hon. Member for Arouca South to tell me where my clients went in the Aranguez Plaza where there is a mediation centre, and where they, in fact, got their matters settled and so the matters are no longer on the criminal court list, whether those proceedings are null and void. Because while the Member for Arouca South is talking about the fact that the Community Mediation Act is not operational—and she is wrong, it is operational in many areas—what she should be talking about is what we have been saying here in the UNC which is why not widen the ambit of the number of offences that come within the purview of the Community Mediation Act. That is what we have been saying. [*Desk thumping*]

I can tell to you, Mr. Speaker, because I practice in the Magistrates' Courts, the High Court and the Court of Appeal, so I know the legislation. I understand it and I don't have to stand up and parade in Parliament and pretend to know things when I really do not know them. That is what I have been advocating, not only in Parliament, but also in the Magistrates' Court. Quite recently one very learned magistrate made the point in San Fernando when he said what ought to be done is to increase the number of offences that can, in fact, be referred to the various community mediation centres in Trinidad and Tobago. I said to the magistrate that I will see what I could do, but now I realize that I have a bigger hurdle because I now have to convince the other side, moreso, the Member for Arouca South, that what she thinks is not happening is, in fact, happening. That is what you call truly misleading the Parliament. That is what the hon. Member for Arouca South is doing, Mr. Speaker, and I challenge her to tell me that mediation is not up and running in this country.

What I would say, Mr. Speaker, is having looked at the legislation at length and having seen the legislation on community mediation in operation, I can say

that there is a need to revisit that legislation not only in terms of increasing the number of offences that appear in the Schedule, but also in terms of really setting out a comprehensive plan so that it will be a consistent methodology in dealing with those matters that in fact go to the community mediation centres and of that I am sure is the position. Again, I am giving free legal advice to the hon. Attorney General. It is a matter for her to decide whether in fact she will take it or not.

The hon. Attorney General, my friend, said that, in fact, there are seven of the nine places filled in the Court of Appeal. All I would say to the hon. Attorney General is that those statistics have just changed slightly by one, since the Bill was introduced by her in the other place. As of July, in the Court of Appeal there is now one less court of appeal judge in the name of Justice Anthony Lucky who has retired from the Judiciary of Trinidad and Tobago and is now, in fact, sitting in the international court in terms of the International Tribunal of the Law of the Sea [*Desk thumping*] and I know that would not have been possible without the support, confidence and commitment of my friends on the other side. So, I take the opportunity to thank them for whatever great things they did do for that appointment. It is an appointment well deserved.

Mr. Speaker, all I am saying is, bearing in mind that we have such rapid change taking place in the Judiciary itself—[*Interruption*] It wasn't the same, but it was not a lateral move it was an upward move.

Mr. Speaker, bearing in mind that we have this kind of change it is for this very reason that I really think the Attorney General, honourable as she is, ought to rethink the explanation she has given for not increasing the complement as it is from 20 to immediately taking it to 25 or 28. I will urge the hon. Attorney General to really put conscience and good judgment before what may be seen as political embarrassment or giving way to what the other side has said because I am saying, I know the hon. Attorney General who herself sat as a temporary judge and I know that there have been many persons who have advocated whether we should have temporary judges or not, I will say that I have never been in favour of the concept of temporary judges. I understand why it had to be done and I agreed with it on an interim basis, but certainly not on a sustained basis, because as we have heard from the Member for Siparia, and I think she said it very comprehensively and eloquently, there would always be that level of suspicion that there is some kind of bias when you have persons sitting as temporary judges.

4.00 p.m.

I want to say that in no way am I casting aspersions on any member of the Judiciary. In fact, I think that we have a Judiciary in Trinidad and Tobago of which we can be very proud. I say that categorically without fear and favour.

Bearing in mind that we already have a system that recognizes that we do not have enough judges through temporary appointments, the logic would be to increase the number to at least 28. And as I said before, I join with the Member for Siparia who has indicated that if we were to do that, we would not have to come back to the Parliament, literally every Friday afternoon, trying to make sure that we are dealing with things as they arise. We have to remember, when it comes to legislation, if we can cater for foreseeable consequences or something that is within our reasonable contemplation, we ought to deal with it at the earliest possible time. Now is the best and earliest possible time to deal with this particular situation.

Mr. Speaker, so much has been said about increasing the number of judges. I am in full agreement with the need to increase the number, but there is another very important aspect to increasing the number of judges. It is the need to look carefully at the terms, conditions and remuneration packages that are given to persons who are judges at the level of the High Court and the Court of Appeal.

Right now, we are very fortunate to have been able to attract, from private practice, persons who are skilled, committed and intelligent and who fit the criteria for the office of Justice of the Supreme Court of Trinidad and Tobago. As time progresses, it will become more and more difficult to attract the best from private practice.

At the moment, a judge in the High Court, when all the benefits of his or her remuneration package are tallied, which I know is tax free, the package would be about \$30,000. When we consider that there are many practitioners who fit the criteria for judges in our court and when we look at his or her remuneration package in private practice, there will be a significant disparity. Whether one likes it or not, what would have to be dealt with by such a person who may consider judicial appointment is whether such a person can enter into a job in which there will be such a significant disparity in terms of his or her monthly income. The remuneration packages of judges will have to be increased significantly.

As time progresses what will happen—if it is not already happening—is that many persons who are offered judicial appointments will say, "Thanks, but no thanks. I will not be able to survive on a lower adjusted monthly income". I really feel that when persons become judges in this country, they take those appointments at serious personal sacrifice, unlike other professions where people enter into the public service and give of their time and energy. The point was already made by the Member for Siparia that when a person is appointed a judge and chooses to resign for whatever reason, the reality is that such a person cannot

re-enter private practice for 10 years. There is the opportunity for such a person to operate as a consultant, but whether there is availability for consultants and whether that consultancy would prove to be lucrative enough is another issue. I think, therefore, that this is a matter that ought to be seriously addressed by Members on the other side. If the remuneration packages of judges were significantly increased, I can assure you, Mr. Speaker, that we would always be able to attract the best.

When we talk about judges who want to develop the jurisprudence in our country, regionally and internationally we have to make sure that we give them the terms, conditions and remuneration in which they will be comfortable to operate.

In speaking about judges—and I know that this legislation deals with increasing the complement of judges—it would be remiss of me if I did not mention what is also happening with respect to magistrates. Magistrates find themselves in a position where they are really not considered members of the Judiciary because the Judiciary is made up of puisne judges in our High Court or the Court of Appeal. Magistrates, of course, are not private practitioners and do not belong to any of the state departments. So magistrates have often been referred to as the extended judiciary.

When we are talking about increasing the complement of judges, we have to bear in mind that as we are dealing with the administration of justice, it is not only at the High Court level, or the Court of Appeal level, but it must also encompass thinking that involves the administration of justice at the magistrates' court. In many instances persons will only interface with magistrates at the Magistrates' Courts in terms of having their adversarial issues resolved. Perhaps because there has not been enough focus on the Magistrates' Courts—we find that the buildings are dilapidated—magistrates are, in many instances, unable to function at their best and those who do are literally giving this country very committed civil service. We ought not to take our magistrates for granted; we cannot take our judges for granted because they are already in thankless positions.

I commend the Government for giving the highest award, the Trinity Cross, to the Chief Justice. It was a very good move because it recognizes that the person who holds that high office carries with him the very important job of ensuring that the administration of justice is always efficiently and effectively carried out. That is very important in terms of ensuring that our democracy remains truly alive.

I will give way to the Member for San Fernando East.

Mr. Manning: I thank the Member for giving way. Is there any other office in the country, which you believe should be similarly treated?

Miss G. Lucky: Mr. Speaker, there are several such offices I have thought about. I will give an example. It is not as high as the office of the Chief Justice, but I think, when you look at State Counsels, especially those who may have given a certain number of years—perhaps in excess of 10 or 15 years—because it is recognized that our State Counsels are significantly underpaid and they have to perform, in many instances—*[Interruption]*

I am not talking about the Trinity Cross. I am just saying that we have to look at various offices and make that determination. I am commending the Government's move in recognizing the office of the Chief Justice. Member for Port of Spain North/St. Ann's West, I think that the hon. Prime Minister recognizes that I am unable to give him an immediate answer for the Trinity Cross, but I am saying that because I think comprehensively and extensively, I would not just limit myself to the Trinity Cross, but to all other medals of honour given in this country.

That is how we have to start to think—not just about increasing the complement of judges, but where should we build more Magistrates' Courts, if any; where should we have more high courts, if any; how should we make sure we attract the best. That is what we call holistic and comprehensive thinking. I cannot apologize for always trying to answer questions in their widest possible form to ensure that the interests of all the people are always catered for in the country.

I know that the hon. Attorney General has always spoken about the family court. *[Interruption]* I wish I could give the assurance to my colleagues that I am winding down, but I am not. I still have 20 minutes.

There is another court that I think is equally needed in this country, especially since we have recognized for a long number of years that many of our citizens have drug-related problems and that is the introduction of a drug users' court. I understood quite clearly what the Member for Siparia was saying when she indicated in her contribution that very often we get conflicting reasons for non-implementation of existing legislation.

I remember clearly, with respect to the non-implementation of the Equal Opportunity Act, that the hon. Attorney General said there were flaws. I have been constantly asking what they are so that we could revisit the legislation and deal with them. I have never heard what the flaws are.

I remember the hon. Member for Diego Martin Central said, when he was asked by reporters months ago about that legislation, "Why do we need equal opportunity legislation? This Government is a fair government." It was reported

in the newspapers and dealt with on a morning programme, 6.45 a.m. to 8.00 a.m., called 90.5 Monday to Friday.

My point is that we get inconsistent reasons for why things are or are not done. I think it is important to recognize that, when we read a report in which the country is being told that the reason is not a lack of comprehensive, holistic, aggressive legislative agenda, it is because it gets bogged down in the Legislative Review Committee (LRC). There is another explanation being given: "Well, you know the Parliament is being prorogued, so why should we put the legislation on the Order Paper to have it relaid?" We get conflicting reasons. Where there is conflict, there will always be speculation and where there is speculation, one may come up with the real reason, which is, that the Government is ill prepared when it comes to having a comprehensive and holistic legislative agenda.

Mr. Speaker, you would remember, in the 18/18 deadlock, that for 10 months the Parliament could not sit. But we did have a government. One would have thought that the Attorney General at that time would have used the 10 months, bearing in mind that she did not have to come to Parliament, to go through existing legislation, to see if there was any merit in any of the bills that had already been drafted so that when there was the next general election—and the Government did win that election—and the resumption of parliamentary sittings, she could have been a star; could have really gained points; could have scored highly by coming with an Order Paper full of legislation—some already drafted by the UNC; some maybe by the predecessors of the UNC—but at least we would have had very comprehensive legislation.

Yes, the Parliament is going to prorogue, but I would like the opportunity—and I speak for all my colleagues on this side—to use my time wisely because they say that all play and no work makes Jack a dull boy. Also, this Jill wants to make sure that she can do some work during the two or three weeks that Parliament is prorogued to look at the legislation if it had been laid in this session. I would have been more prepared to use my 75 minutes as wisely as I am using them this afternoon.

I understand about preparation and the merit in it. We could also have used that opportunity to articulate to the other side our concerns with the legislation, so that when we come back to Parliament, we can assure the nation that we do not "kick", but we deal with issues that affect all persons in Trinidad and Tobago.

Mr. Speaker: The speaking time of the hon. Member has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Mr. G. Singh*]

Question put and agreed to.

Miss G. Lucky: Thank you colleagues for granting the extension.

In fairness to the hon. Attorney General, when she was in private practice, she always advocated—as did the Member for Siparia—the need for a family court in Trinidad and Tobago and the recognition that many of the matters that have to be dealt with expeditiously in terms of family matters could not have been dealt with because of the lack of resources and because there was no court designated to deal with family matters. I am only too happy by virtue of this legislation that consideration has been given, not only to the establishment of the court, but to ensuring that the court will be up and running with a sitting judicial officer.

This brings me to the point I made before. If the complement is only going to be increased by three judges—remember two of those judges are already temporary, operating in their various jurisdictions either in the civil arena or the criminal arena—immediately two places are taken. It leaves one judge for the family court. That family court, although it is a pilot project, so many litigants will be anxious to go before it, that one has to ensure that one does not give what is perceived to be prioritization and discrimination in matters. It will be a court that is bombarded with matters. So immediately there will be a sifting process. The suggestion therefore to increase the complement would mean that the family court judge will only be one officer.

Why must that family court be shut down? If it operates as any other court or court of appeal in the country, it means come the end of July the middle of September—six weeks—the court will be in recess. More than that—and I am just pre-empting the explanation that may be given to me—the Attorney General may argue that that court will continue to sit and a judge will be put during the vacation period. Again, they will be stretching the already limited resources of the Judiciary if that is done.

I think that the family court will exceed expectations. It is a marvelous way to try to stop some of the problems that are family related from blowing into the other arenas of law, especially the criminal areas: areas such as domestic violence. The family court will have to work hand-in-hand with the magistrates who are dealing with domestic violence. It is not just at the high court level. It is also going to involve the operation of the magistrates' court. Therefore, today, let us, in this legislation, show the country, which waits with bated breath, that the two

sides can come to some sort of resolution in its favour. The resolution in its favour this afternoon is increasing the complement, if not to 28 as suggested by the Member for Siparia; if there is a fear that she might become more popular than she is if they agree to her number, then let us say 25. Let the lucky number be 25; even 24. Then they can say they did not agree to our number, but at least they increased it. That is the way we have to start thinking in our society. We have to start putting country first. Put aside the balisier ties and symbols and put the country first.

The point has been made that there are so many political agendas. What a powerful message we would be sending to all citizens of the country if, when Parliament resumes, we would get some kind of consensus and take that number higher than 23. What a powerful message we would send to the Judiciary! I would like 28, Mr. Speaker, but I am prepared to take anything higher than 23. It may not be the number that we want, but we need to increase the number. When the other place sits, it is just a matter of changing the number.

It is no secret that when bills are debated in the other place, we look at what is said. We do not want to reinvent the wheel. We want to see if there is merit in any argument. We read, listen and go to other experts to determine their views. That is what we are here to do and everybody has indicated, including the Chief Justice himself, who has gotten the highest honour in the country, that there is need for more than 23. Therefore, I can say that to whom much is given much is expected. If there is an increased complement in the judges, what the country will have to do and what Members on this side are prepared to do is to ensure that we do not ask for too much too soon. There is one family court pilot project. We will have to give it its time to see whether the machinery is properly in place; whether there is proper infrastructure, but at least the Judiciary will have that capacity to deal with its own operation as it deems fit.

I will use this analogy because I am very familiar with it. In the office of the Director of Public Prosecutions (DPP), there is a stratified establishment that goes from State Counsel I, to State Counsel II, State Counsel III, Senior State Counsel, Assistant DPP, Deputy DPP and the DPP. There were instances where an officer deserved to be promoted, but because there were insufficient funds the Judicial and Legal Service Commission (JLSC) recognized that those appointments could not be made until the funds for the increased salaries had been committed.

In the same way, if the complement is increased from 23 to any higher number, it does not mean that the JLSC has to appoint that number immediately. The JLSC will have to satisfy itself that the money, in terms of remuneration

packages, has been given the level of commitment to support the increased number. As it is, there is more money and certainly there is an upcoming budget. Provided that the allocation is enough, it means that it will be left for the JLSC to determine how many of those vacant positions can be filled. It means immediately that those judges who are in temporary positions can be given their long awaited permanent positions and confirmations. That is why I say we must not just look back at the past and be happy to say that others did wrong so do not tell us anything. That often seems to be the argument by the other side: You all did it, so do not tell us what we should do.

I was a temporary State Counsel for five years and I had to handle the Magistrates' Courts in the entire East-West Corridor and Chaguanas. I do not know if the other side recognizes or even if the Member for Arouca North knows that there was a court in San Raphael in which there was a permanent resident. The permanent resident was a rooster that had become accustomed to crowing whenever the magistrate entered the court. Those were the conditions we worked under. That is a true story. In fact, I could not find the court in San Raphael.

There used to be a magistrates' court in Toco that would sit for only once a month; and only for half-day because the other half-day was to go on a river lime and cook. Of course, I was not involved in that. I only heard about it. I never participated.

We do not need to go back in time. We have to recognize, as mature people given the mandate to always act in the best interest of the country, that we must see how we can move forward. That is why it is important to recognize that when we have persons in temporary positions the importance of making them permanent. It became so ridiculous that I was a temporary State Counsel II but I had not yet been permanent as a State Counsel I. Then it was found that that could not happen. You cannot be promoted on a temporary basis if you are not permanent. For almost one month I did not get a salary because they had paid me in excess. They paid me as a State Counsel II and then recognized, only when I brought it to their attention, that I could not have filled that portfolio.

I am sure that State Counsels, as existed in my days, have to have two and three jobs. I know a State Counsel, who, in 1997, was "DJ Jill: One-in-a-Mil-put-pep-in-your-step-and-grove-in-your-move" on a Saturday morning; who was a lecturer at the University of the West Indies; who was a lecturer in law in the Institute of Tertiary Tutors and also doing Magistrates' Courts, and it had to stop. But the fact is that State Counsels had to supplement their incomes. Judges, of course, are in a different category because they cannot supplement their income.

They are meant, and rightly so, to live within those remuneration packages given to them, thereby making my point even stronger—that there is need to ensure that remuneration packages are packages that attract the best, that support the Judiciary, so that persons who hold that office do not have to worry where their next dollar will come from.

I think, if nothing else, that we have been able to show that we do not necessarily object to legislation. The Member for Siparia began her contribution by saying that she applauded the initiative that has been taken by the hon. Attorney General. Our duty in the Opposition is not to unnecessarily oppose. Our duty is to see how we can commend and make things better. It is our duty to say, if they are increasing from 20 to 23, they ought to increase from 20 to 28. It is for the other side to determine whether there is any merit in what we say and not use political agenda in that determination; not use a litmus test to determine whether it fits in with what the PNM may want or whether there will be political embarrassment, but whether it is in the best interest of the country. If we look at the legislation objectively, we will see that there is that increased need.

I was speaking about the drug users legislation. The drug users' court is another court I think should be implemented in this country. Legislation was drafted by the UNC—I was then in the office of the DPP—and I pointed out that I was unhappy with that particular legislation. That is a court that is meant to recognize that there is a difference between a person who uses drugs and a person who is a drug lord. A person who may be caught with one stick of marijuana or a very small amount of cocaine—not the cocaine found on the beaches in Moruga, Manzanilla and Guayaguayare—but a person who is a drug user ought not immediately to be put in the criminal process, but ought to be given the opportunity to clean himself or herself out and have no criminal record.

If we recognize that we need specialized courts, in this case the family court, I suggest a drug users' court, such a court will ensure that the criminal matters—those persons who are the drug lords, who are involved in the trafficking of drugs—will be dealt with in the criminal process and young people—and this Government says it is very concerned about young people—who for some reason get involved in using drugs and suffer as a result will have the opportunity to go before a court like a drug users' court. They will give community service. They will have to report on a weekly basis to make sure they are really straightening out their act and if they are found, after a prolonged period, to have conformed with the kind of sentence given to them it means there is no criminal record, they are applauded in the court and they go back to society so that they can move on with their lives.

If it is found, however, that they are just abusing the system, they are given a warning and put into the criminal courts and dealt with as criminals. That is the kind of specialization in courts we need to have. That is why we are going to need more judges in this country. That is why, when we bring this legislation, we should not only look at quantity, but the ability to continue to attract high quality judges because the better quality judges we get the more we can look forward to our judges being put on international and other courts and being true ambassadors to Trinidad and Tobago, flying the flag of Trinidad and Tobago high, giving us that sense of national pride.

As we continue looking at the legislation—and I think we have been able to convince the other side at least to revisit the complement—let us also remember the need, bearing in mind the family court has been the reason advanced by the Attorney General to increase the complement, to look at how the Magistracy will be able to assist in the operation of this family court. [*Interruption*]

I am not finished, Mr. Speaker.

Mr. Speaker: The House is suspended until 5.00 p.m.

May I inform hon. Members that there are new dining room and lounge facilities situated downstairs the Parliament Chamber. The Marshal has assured me that the Orderly will direct you on this first sitting. I hope hon. Members will enjoy the facilities provided. I inspected them myself this morning and I think they are very much up to the required standard.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Miss G. Lucky: In fact, just before we took the tea break, I was making the point that in dealing with issues such as the family court, it becomes very important for us to look at the role that would be played by the Magistracy, the magistrates and those counsels that would be before the particular family court.

As I now wind up, I want to conclude by saying that I think the legislation is moving in the right direction in terms of the increase in complement. However, there would be little gained by increasing the number to 23. Let us not waste time in having to come back to this Parliament and to have to go to the other place, then to come back here, when we recognize at this point in time—it was recognized in 1999—that there needs to be a significant increase in the complement. The figure is 28. Mr. Speaker, I could only hope that good sense would prevail. In those circumstances, this is the end of my contribution. I thank you.

The Attorney General (Sen. The Hon. Glenda Morean): Thank you, Mr. Speaker. First of all, the conduct demonstrated by the UNC Members on the other side this afternoon is the same as that in Crowne Plaza. It is business as usual. Here it is, I have to deal with this Joint Select Committee Report which was dealt with. They are part of the process to see that this legislation goes through. They are part of the process to see that this committee functions and yet in the light of that, they try this stunt this evening to ensure that the Motion does not go through. That is reprehensible. *[Interruption]* Who is talking?

Mr. Speaker, a lot is being said about the legislative agenda, but those on the other side should be the last people to talk about legislative agenda. They have passed legislation between 1996 and now which is flawed and cannot be implemented and we have to spend a lot of time correcting them. If you note, from October to now, we have had to be bringing Bills to amend legislation that have been passed during the term of the last regime in order to ensure that the systems and government departments function. From the outset, I was given a list containing approximately 60 Acts that could not be implemented for one reason or another. One set of these Acts is the package of children legislation which, up to now, we cannot implement.

Mention was made of the Mediation Act which has to be repealed and replaced. While the Member for Pointe-a-Pierre spoke about a mediation committee, that is a committee that is really functioning outside the law. Legislation is not really supporting the work that committee is doing. What they are really doing is walk-in consultations. The magistrates have determined that they cannot, under the present system, refer matters to the committee. We have looked at the legislation and we now have the Mediation Bill that has already been tabled in the Senate, which would seek to correct what has been incorrectly done by the UNC. When the UNC speak about legislative agenda, they should be the last persons to talk about that.

With respect to the laying of this Bill and the process, this Executive would not be accused, with justification, of interfering with the Judiciary. When we come with any legislation relating to the Judiciary there will be full consultation with the Judiciary. This Bill that is brought before this House is one that arose out of recommendations made by the Judiciary. When we came for an increase of three judges that was a recommendation made by the Chief Justice with respect to his looking at the whole process of establishing the Family Court Pilot Project and what his needs are. He determined that this is what was needed. That is what we have come with.

A number of questions have since been raised with respect to the increase of the complement; not by three but by eight. Again, we operate under a system

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where there is separation of powers. We are not going to take it upon ourselves to determine that the Judiciary needs eight. We are going to do it in the proper way. I appreciate what the Member for Pointe-a-Pierre and other Members have said with respect to whether it should be increased from three to eight. It is something which we will accede to immediately, given the proper methods. In other words when the Judiciary deems that they need that number—they are looking at their whole systems. We are not dealing with the administration of justice as such. We do not have hands on that. That is the Judiciary's work. They are doing their work and we are doing ours. We have come with this Bill for the increase of the judges in the High Court by three because that is what they have said that they wanted at the particular time. If at a later time they feel that, given the improvements that are being made in the system, they need another increase, then we certainly will not stand in the way. I am not going to stand here and make policy off the hoof for the Judiciary.

A lot was said that really was not relevant to what we are about this evening. We are simply about increasing the number of puisne judges in the High Court from 20—23. With respect to the question of temporary judges again, that is a matter for the Judiciary to determine how they would want to proceed: whether the time has now come to repeal the legislation dealing with the appointment of temporary judges, whether, when they have introduced their new systems, they do not need to use temporary judges would be a matter for the Judiciary to determine. In those circumstances, 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.

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

House resumed.

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

POLICE SERVICE REFORM BILLS

Joint Select Committee Report (Adoption)

The Attorney General (Sen. The Hon. Glenda Morean): Mr. Speaker, I beg to move,

That this House adopt the Third Special Report of the Joint Select Committee appointed to consider and report on the Bills entitled:

- (i) The Constitution (Amdt.) Bill, 2002;
- (ii) The Police Service Bill, 2002;
- (iii) The Police Complaints Authority Bill, 2002.

Mr. Speaker, the Third Special Report has been circulated to Members. The report outlines the history of meetings by the committee appointed to consider the Bills named. At paragraph six of the report, nine meetings and one informal meeting have been held to date. At the ninth meeting held on Tuesday, April 29, 2003 your committee agreed to meet with the following persons: the Commissioner of Police, Chairman of the Police Service Commission, Chairman of the Police Complaints Authority and a representative of the Trinidad and Tobago Chamber of Commerce.

At a meeting held on Thursday, May 08, 2003, your committee met and received oral evidence from Mr. Kenneth Lalla, Chairman of Trinidad and Tobago Police Service Commission; Mrs. Y. Phillip, Secretary and other members of the Police Service Commission, James Davis, Chairman; Mrs. Wendy Quamina-Yorke, Secretary and members of the Police Complaints Authority; Mr. Hilton Guy, Commissioner of Police and Mr. Peter John, Assistant Commissioner of Police.

In keeping with your committee's terms of reference, all written submissions were forwarded to the technical team that previously worked with the Bill. Your committee has been advised that the technical team has completed a report based on its assessment of the comments received.

At its ninth meeting, your committee also agreed to interview the chairman and members of the technical team upon completion of its assessment of the new comments received. However, the House is asked to note that some members of the technical team reside in jurisdictions outside Trinidad and Tobago and due to circumstances beyond the control of the committee, arrangements have not yet been made to have the technical team appear before the committee to discuss its report.

Your committee, in its first special report, did bring to the attention of this House that some of the written submissions received contained highly complex, legal issues. In submitting its second report to this House, your committee sought a further extension of time within which to report, which extension was granted. Parliament proceeded on recess on July 18, 2003. Therefore, a report seeking an extension of the deadline could not be tabled.

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I now come to the recommendation. In view of the advanced stage of its work, your committee wishes to recommend that a new committee be appointed in the next session to continue examining this matter, and that the new committee be authorized to consider as part of its records all the work that has been done by your committee to date.

I beg to move.

Question put and agreed to.

Report adopted.

ADJOURNMENT

The Minister of Health (Hon. Colm Imbert): Mr. Speaker, I beg move that this House do now adjourn to Wednesday, September 10, 2003 at 1.00 p.m. at which time we will have the Finance Committee meeting prior to the debate on the Finance (No.2) Bills, 2003 which would be held on Friday, September 12, 2003.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 5.26 p.m.