

*Leave of Absence**Friday, January 16, 2004***HOUSE OF REPRESENTATIVES***Friday, January 16, 2004*

The House met at 1.30 p.m.

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

**Mr. Speaker:** Hon. Members, I have received correspondence from the hon. Member for Fyzabad (Mr. C. Sharma) requesting leave of absence for today's sitting of the House. The leave which the Member seeks is granted.

**PAPERS LAID**

1. Report of the Auditor General of the Republic of Trinidad and Tobago on a Special Audit of the Collection of Moneys at the Judiciary, Supreme Court, Tobago. [*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 Caroni County Council for the year ended December 31, 1989. [*Hon. K. Valley*]
  3. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Caroni County Council for the year ended December 31, 1990. [*Hon. K. Valley*]
- Papers 1 to 3 to be referred to the Public Accounts Committee.*
4. Report of the Judicial and Legal Service Commission Annual Report for the year 2002. [*Hon. K. Valley*]

**ORAL ANSWERS TO QUESTIONS**

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Speaker, permit me to inform the House that the Government is today able to answer 75 per cent of the oral questions on the Order Paper. There are four oral questions and three of them would be answered. Among the written replies, the Government has submitted responses for seven. We are asking for a deferral of question No. 46 for one week.

**Mr. Singh:** Mr. Speaker, I am happy that the Leader of Government Business is able to answer 75 per cent of the oral questions, but he is only able to answer three of the 17 written questions. So something like 18 per cent of the written questions is answered.

**Hon. K. Valley:** Mr. Speaker, as I said, the Government has submitted seven of the written responses: Nos. 16, 29, 31, 32, 34, 35 and 36. Those written responses have been, or would be, circulated.

**Mr. Singh:** Very well. Only three has reached.

**The Attorney General (Sen. The Hon. John Jeremie):** Mr. Speaker, could I just have question No. 26 stood down for a few minutes?

**Mr. Singh:** If it is the Attorney General's desire to stand down, that is fine with me.

**Mr. Speaker:** Would the Attorney General be answering the question later on in question time?

**Sen. The Hon. J. Jeremie:** Yes, Mr. Speaker.

**Mount Hope Maternity Hospital  
(Neonatal Deaths)**

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

Would the Minister of Health inform this House as to how many neonatal deaths have occurred on a monthly basis at the Mount Hope Maternity Hospital from January 2002 to the present?

**The Minister of Health (Hon. John Rahael):** Mr. Speaker, the response to the question is as follows:

For the year 2002:

<u>MONTH</u>	<u>TOTAL NEONATAL DEATHS</u>
January	08
February	11
March	12
April	06
May	13
June	04
July	09
August	07
September	14

*Oral Answers to Questions**Friday, January 16, 2004*

October	14
November	13
December	10
For the year 2003:	
January	15
February	09
March	07
April	03
May	10
June	06
July	05
August	15
September	11
October	14
November	22
December	04

Thank you, Mr. Speaker.

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

**47. Dr. Roodal Moonilal** (*Oropouche*) asked the hon. Minister of National Security and Rehabilitation:

With respect to the results of the promotional examinations, conducted in August 2002 for promotion to the ranks of Corporal and Sergeant in the Trinidad and Tobago Police Service:

- (a) Would the Minister of National Security state whether these results are available or unavailable as at November 30, 2003;
- (b) If the answer to (a) is “unavailable”, could the Minister give the reasons for this and state whether or not any examination scripts have been lost?
- (c) If scripts have indeed been lost, could the Minister state the name of the person who lost the scripts, indicate whether this was reported to the police and what action has been taken to recover the scripts?

**The Minister of State in the Ministry of National Security (Hon. Anthony Roberts):** Mr. Speaker, hon. Members are advised that as at November 30, 2003, the results of the promotional examinations conducted in August 2002 were unavailable. However, further consultation with the Director of Personnel Administration has revealed that all scripts have now been marked as at December 12, 2003 and that the approximate time-period for the release of results to the Police Service Commission and the Commissioner of Police is two months.

**Solicitor General's Instructions  
(Details of)**

**26. Mr. Ganga Singh** (*Caroni East*) on behalf of Mrs. Kamla Persad-Bissessar (*Siparia*) asked the hon. Attorney General:

Would the Attorney General state:

- (a) Whether the Attorney General gave instructions to the Solicitor General to settle any court cases since January 2002?
- (b) If the answer to (a) is in the affirmative, the date(s) on which such instructions were given to the Solicitor General, the name(s) of the parties, the name(s) of the attorney(s) on record and the instructions given by the Attorney General as to the terms and/or quantum of settlement for each of the cases?
- (c) The criteria utilized by the Attorney General in each case for giving the aforesaid instructions?

**The Attorney General (Sen. The Hon. John Jeremie):** Mr. Speaker, the Attorney General did not give instructions to the Solicitor General to settle any court cases since January 2002. The procedure in such matters requires the Solicitor General to make recommendations to the Attorney General to settle court cases. The Attorney General then reviews the recommendations of the Solicitor General and approves or does not approve these recommendations as the case may be.

I list the details of those cases which were recommended for settlement by the Solicitor General and subsequently approved by the Attorney General since January 01, 2002:

Aaron Hendrikson *v* the Attorney General of Trinidad and Tobago. That was settled for \$1,500.

Dave Phillips *v* the Attorney General of Trinidad and Tobago. That case was settled for \$90,000.

The Law Association of Trinidad and Tobago *v* the Attorney General of Trinidad and Tobago. That one was settled for \$60,868.50.

Carib Info Access Limited *v* the Ministry of Public Utilities and the Environment and the Attorney General. That was settled for \$3,000.

Edgar Woodley *v* the Diego Martin Regional Corporation and the Attorney General. That one was settled for \$19,000.

Winston John Caliste *v* the Attorney General of Trinidad and Tobago and Rene Dan Dan, that one was settled for \$29,377.25.

It is the Solicitor General and not the Attorney General who determines the criteria to be utilized when a matter is to be settled. In order to determine whether a matter ought to be settled, the Solicitor General would request the attorney assigned to the matter to prepare an opinion—that is the normal course—advising her whether, based on the facts and the relevant law, the matter can properly be defended in the court. If the attorney who has conduct of the matter is of the opinion that the matter cannot be properly defended, he makes the appropriate recommendation to the Solicitor General.

If the Solicitor General agrees with that recommendation, she forwards the opinion to the Attorney General with her own recommendation. If the Attorney General agrees with the recommendations made, the Attorney General would then prepare a supplemental opinion which would deal with the quantum of damages to be offered to the applicant or claimant, as the case may be, in order to determine quantum, and in that exercise he examines cases involving similar facts and judgments given by the court in accordance with the doctrine of precedent.

It is only at that stage, if the Attorney General agrees with that opinion, he then gives his approval for the parties to negotiate a settlement.

*The following question stood on the Order Paper:*

**CAPE Examination  
(National Scholarships)**

- 46.** (a) Would the hon. Minister of Education inform this House as to whether students who are writing the CAPE Examination in 2005 will be eligible for National Scholarships?
- (b) If the answer to (a) is in the affirmative, would the Minister state what will be the criteria for the selection of these scholarships in 2005?
- (c) Would the Minister state whether a certain number of scholarships will be reserved for the CAPE students in 2005?

- (d) If the answer to (c) is in the affirmative, would the Minister state how many scholarships will be reserved? [Dr. H. Rafeeq]

*Question, by leave, deferred.*

**WRITTEN ANSWERS TO QUESTIONS**

*The following question was asked by Mrs. Kamla Persad-Bissessar (Siparia):*

**Award of Contracts  
(Airports Authority)**

- 16.** Would the hon. Minister of Works and Transport state:
- (a) The names of the persons and/or companies who were awarded contracts for the supply of goods and/or services to the Airports Authority since January 01, 2002;
  - (b) In the case of companies, the names of the directors of each company;
  - (c) The nature of goods and/or services supplied and/or to be supplied by each person and/or company;
  - (d) The cost of each contract;
  - (e) Whether tenders were invited for the contracts awarded and if so, the bids made by each tenderer;
  - (f) The procedure and criteria used to award each contract?

*Vide end of sitting for written answer.*

*The following questions were asked by Dr. Roodal Moonilal (Oropouche):*

**HYPE Programme  
(Details of)**

- 29.** (a) Could the hon. Minister of Social Development and Gender Affairs present to this House a full listing of the names of the 450 persons who graduated from the HYPE Programme on Sunday, May 04, 2003?
- (b) Could the Minister also give a breakdown of the address by region of each graduate and his/her place of work?

*Vide end of sitting for written answer.*

**On the Job Training Programme  
(Details of)**

- 34.** (a) Can the hon. Minister of Science, Technology and Tertiary Education present to this House the full list of the names and address by region of

all participants in the On the Job Training (JT) Programme for the year 2003?

- (b) Could the Minister indicate the criteria for selection to the OJT Programme?
- (c) Would the Minister also indicate the workplaces to which the OJT trainees were assigned?

*Answer lodged in the Parliament Library.*

**UNSUBSTANTIATED STATEMENT  
(MEMBER FOR ST. JOSEPH)**

**The Prime Minister and Minister of Finance (Hon. Patrick Manning):**  
Mr. Speaker, I consider it very necessary to make the following statement:

Last Friday in the Parliament, the hon. Member for St. Joseph made a very irresponsible and unsubstantiated statement casting serious aspersions on two prominent Caricom citizens, one from Jamaica, the other from Trinidad and Tobago, and an unnamed Member of my Government.

This statement must not be allowed to stand unchallenged since it has the potential to cause irreparable damage to the national interest.

Hon. Members are undoubtedly aware of the considerable and pivotal importance of Caricom to the social and economic development of Trinidad and Tobago. Simply put, Caricom is the second largest market for Trinidad and Tobago and is increasingly becoming a destination for the outward flow of investment capital from Trinidad and Tobago. Similarly, Trinidad and Tobago is also the beneficiary of inward investment from other Caricom Member States. It is the policy of this Government that Trinidad and Tobago continues to be a receptive and attractive environment for regional capital inflows.

A further manifestation of growing regional integration is the increasing cross listing of major companies in the various Caricom stock exchanges. Many of these listed companies are now virtually household names across the region.

We must ensure that this process of integration continues because it is critical to Caricom's very viability, given today's harsh and competitive globalized environment. In other words, Mr. Speaker, we need each other.

The unfortunate allegations of the hon. Member—would you believe a former Minister of Finance?—are destructive and divisive. Week after week Members opposite come to this Parliament and use the cloak of parliamentary privilege to denigrate and slander—

**Mr. Ramnath:** That is not your business. That is the Speaker's business; not yours!

**Mr. Speaker:** Order, please. [*Crosstalk*] Order! Member for Couva South, please, the Prime Minister is making a statement, you ought to listen in silence.

**Mr. Ramnath:** No, no, no! He is not my boss. He is attacking the Members on this side.

**Mr. Singh:** But he cannot be attacking us here—

**Mr. Speaker:** He is not attacking anybody—[*Crosstalk*] Order, please! Order! Continue, Prime Minister.

**Mr. Ramnath:** How can you come here and rule on whether a matter is irresponsible or not?

**Hon. P. Manning:** Mr. Speaker, the unfortunate allegations of the hon. Member—would you believe a former Minister of Finance?—are destructive and divisive. Week after week, Members opposite come to this Parliament and use the cloak of parliamentary privilege to denigrate and slander with spurious allegations, innocent persons, all in a manner calculated to destabilize the society in order to advance their failed political agenda. [*Crosstalk*]

**Mr. Ramnath:** How can you allow that? [*Crosstalk*]

**Mr. Speaker:** Order, please. Order! Hon. Members, we have in the House today in the public gallery, children of a public school and this behaviour is not—[*Crosstalk*]

**Mr. Ramnath:** Speak the truth to the children.

**Mr. Speaker:** Hon. Members, please bear in mind we have young children in the public gallery.

**Mr. S. Panday:** Mr. Speaker, on a point of order—Order 36(5), where the hon. Prime Minister is imputing improper motives to the Member for St. Joseph and to all of us. [*Desk thumping*]

**Mr. Speaker:** No. I am ruling you out of order. Please continue, Mr. Prime Minister.

**Mr. S. Panday:** No?

**Mr. Speaker:** The Speaker has ruled.

**Dr. Khan:** Mr. Speaker, a point of order. Standing Order 36(10) states:

“The conduct of the Governor, Members of the Senate or the House of Representatives...shall not be raised except upon a substantive motion...”

[*Desk thumping*] [*Crosstalk*]



**Mr. Speaker:** Order, please. This perhaps may be a more relevant Standing Order. Mr. Prime Minister, I would advise you to refrain from raising issues of the conduct of any Member as it could offend Standing Order 36(10). [*Desk thumping*]

**Hon. P. Manning:** Mr. Speaker, week after week, Members opposite come to this Parliament and use the cloak of parliamentary privilege to denigrate and slander with spurious allegations, innocent persons, all in the manner calculated to destabilize the society in order to advance their failed political agenda. [*Crosstalk*]

They care not for its effects on investment. They care not for its effects on jobs and they care even less for the damage they are doing to the international reputation of our beloved country.

*Hansard* is replete with instances of their wild, baseless accusations and innuendoes. [*Crosstalk*]

**Mr. Speaker:** Order, please!

**Hon. P. Manning:** In firmly dissociating my Government from such behaviour in this honourable House and the other place, I must register my utter disappointment with the posture adopted by the Opposition. I urge them to resist the temptation to embrace such destructive scorched-earth tactics. No one benefits from the calculated creation of a wasteland.

On behalf of the citizens of Trinidad and Tobago, I call on the Opposition to discontinue their grave disservice to our nation and join with us on this side in a firm resolve to put Trinidad and Tobago first.

Thank you, Mr. Speaker. [*Desk thumping*]

**Mr. Speaker:** Hon. Members, I have given leave to two hon. Members to raise matters of personal explanations; firstly, the hon. Member for Diego Martin Central and, secondly, the hon. Member for St. Joseph.

**MR. REGINALD DUMAS  
(APOLOGY)**

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Speaker, permit me to put on the parliamentary record, a letter of apology published in the *Trinidad Guardian* on January 15, 2004 arising out of statements I made in this honourable House last week. I quote:

“I refer to the letter written by Mr. Reginald Dumas, which appeared in the *Guardian* of January 14, 2004. Unreservedly, I apologise. The comment was

*Mr. Reginald Dumas (Apology)*  
[HON. K. VALLEY]

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made facetiously and in the heat of debate. On reflection I can understand the hurt caused to Mr. Dumas. In my seventeen years serving this Parliament of Trinidad and Tobago, I have always frowned on such behaviour. I regret that I have now been caught in the slips. Mr. Dumas, I apologise.” [*Desk thumping*]

Mr. Speaker, you will note that this apology is unambiguous, unqualified and direct. There is no prevarication, circumlocution nor hedging. Quite simply, when we are wrong, we must say so clearly. [*Crosstalk*]

**Mr. Speaker:** Order!

**Hon. K. Valley:** This letter was immediately forthcoming after reading Mr. Dumas’ correspondence to the *Trinidad Guardian* of January 14, 2004.

In my 17 years in Parliament, I have always had the highest regard for parliamentary privilege. Members of this honourable House would agree that parliamentary privilege—[*Crosstalk*]

**Mr. Speaker:** Hon. Members, I hope that this is not a prelude to the rest of the afternoon. I am appealing to you, let the Member have his say. You have a Member who is going to make a statement after. Please, let us listen in silence.

**Hon. K. Valley:** Thank you very much, Mr. Speaker.

Members of this honourable House would agree that parliamentary privilege is exactly that. It is a privilege afforded to the parliamentarians. It is not a licence to castigate, abuse or malign private citizens. At all times it is of paramount importance that we adhere to the responsibility, which our position as parliamentary representatives place in us.

I can do no better than to quote the authority on Parliament practice, Erskine May, where he states on page 84 in the 22<sup>nd</sup> edition of his book, *Parliamentary Practice*, that “having been granted the privilege of freedom of speech in debate, it becomes the duty of each Member to refrain from any course of action prejudicial to the privilege which he enjoys.”

I would like to remind all Members of this House that we all have a vested interest in maintaining the dignity and integrity of this honourable House. I hope that as Leader of this House, other new Members would use this as an example.

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

#### CREDIBLE MATTERS OF PUBLIC IMPORTANCE

**Mr. Gerald Yetming (St. Joseph):** [*Desk thumping*] Mr. Speaker, I think that it is fit and proper that I make this statement. Members of Parliament frequently

receive information from sources considered to be reliable and credible on matters of public importance involving Members of the Government. I consider it my duty as an elected representative of the people to bring such matters to the attention of the Government for appropriate action. [*Desk thumping*]

In addition, the Government has developed a propensity to enter into agreements involving substantial resources of the State and/or with costly implications, without the knowledge of Parliament and the people of Trinidad and Tobago, a practice about which I am very concerned in the public interest.

Two examples come to mind: One, the granting of a waiver of a \$250 million penalty incurred by ExxonMobile for failure to complete an exploration drilling programme in deep water blocks off the East coast; and, two, the signing in August last year of a Memorandum of Understanding with a foreign-based entity for the construction of an aluminum smelter plant.

It was in those circumstances that on Friday, January 09, 2004, in my contribution to the debate on a Bill to amend the Insurance Act, and in dealing with the financial sector as a whole, I made certain statements. Despite the fact that these statements were placed before Parliament in a careful and guarded manner, they have been, in my view, interpreted in ways which cannot be substantiated. The *Hansard* report on my contribution on Friday, January 09, 2004 will support this.

My intention was to question the Prime Minister and Minister of Finance about a process by which an agreement to sell 20 per cent of First Citizens Bank may be reached and for him to investigate and respond.

As the *Hansard* report shows, I never said that Mr. Lee Chin or the AIC group paid a bribe or committed any other illegal or improper act. There was no intention to cast any aspersions on their reputations. I do not know Mr. Lee Chin and I wish to make it clear that I have no objection to Mr. Lee Chin, the AIC group or any fit and proper person, or entity, doing business in Trinidad and Tobago. [*Desk thumping*]

Notwithstanding the legal and other advice I have received on the question of my constitutional rights and parliamentary privilege and immunity, locally and abroad, I consider it responsible of me to make this statement and I would continue to attempt to act responsibly in and out of Parliament and to discharge my duties as a Member of Parliament fairly.

Thank you, Mr. Speaker. [*Desk thumping*]

*National Insurance (Amdt.) Bill*

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**NATIONAL INSURANCE (AMDT.) BILL**

Bill to amend the National Insurance Act, Chap. 32:01 [*The Minister of Finance*]; read the first time.

**FIREARMS (AMDT.) BILL**  
**Senate Amendments**

**The Minister of State in the Ministry of National Security (Hon. Anthony Roberts):** Mr. Speaker, I beg to move,

That the Senate amendments to the Firearms (Amdt.) Bill listed in the appendix be now considered.

*Question proposed.*

*Question put and agreed to.*

*Clause 3.*

*Senate amendment read as follows:*

Delete the definition of “pawnbroker”.

**Mr. Roberts:** Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Clause 5(aa).*

*Senate amendment read as follows:*

Delete and substitute as follows:

“(aa) the Director, Trinidad and Tobago Forensic Science Centre and any scientific officer of the Centre (as) (are) designated by him acting in their capacity as such.”

**Mr. Roberts:** Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Clause 7.*

*Senate amendment read as follows:*

- (i) In paragraph (a) substitute the word “five” for the word “ten” in the last line”
- (ii) Add a new subsection as follows:

Section 9 subsection 2 is amended by deleting the word “eighteen” and substituting the word “twenty-five”.

**Mr. Roberts:** Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Clause 9.*

*Senate amendment read as follows:*

Substitute the word “life” for the word “twenty” in the last line.

**Mr. Roberts:** Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Clause 10(1).*

*Senate amendment read as follows:*

Delete and substitute as follows:

“13A. A person who while he has a firearm with him, enters or is in any building or part of a building or any land as a trespasser without reasonable excuse, commits an offence and is liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for two years.”

**Mr. Roberts:** Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

*Question proposed.*

**Mr. S. Panday:** Mr. Speaker, the clause says:

“A person who while he has a firearm with him, enters or is in any building or part of a building or any land as a trespasser without reasonable

*Firearms (Amdt.) Bill*  
[MR. S. PANDAY]

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excuse, commits an offence and is liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for two years.”

Having regard to the number of firearm offences which have been committed in Trinidad and Tobago, when somebody walks into someone’s premises with a firearm to commit an offence, it is a premeditated act which takes a lot of time to prepare, then go to the premises to execute the plans. It is not an emotional crime which happens on the spur of the moment.

We on this side would have liked to see instead of \$20,000 maybe, \$50,000 and imprisonment for at least five years. Send the message to the gunrunners; people who are renting guns; people who walk with guns and when they shoot a man, they put a scratch on the barrel as a first stripe; put a notch on the barrel and say, “Ah take one already” and boast in their communities.

We have evidence where people have committed criminal offences using guns in Trinidad and went to the United States of America with the newspaper reports and their photographs in the newspapers and boasted in New York and Virginia, about what they had done in Trinidad and Tobago. They went into premises and shot and killed people and so they obtained employment with the mafia. There are people like that who have been deported to Trinidad and are now in our society.

If we are really serious about dealing with crime, we must send a strong message. These firearms are used to commit more serious crimes which carry very heavy penalties. Firearms are used in kidnapping and robbery with violence. If we have such heavy sentences for those kinds of offences, I humbly submit that if we are sending the message, send a strong signal. We would like to see stiffer penalties for committing offences with the use of firearms on people’s premises.

**Mr. Roberts:** Mr. Speaker, while I am not prepared to devalue the contribution of my colleague on the other side, this Bill came to this House and he had an opportunity to make a contribution at that time.

*Question put and agreed to.*

*Clause 12.*

*Senate amendment read as follows:*

Delete and renumber clauses 13—19 accordingly.

- |                     |      |   |
|---------------------|------|---|
| Renumbered 12(2)(h) | (i)  | Add the words “subject to a negative resolution of Parliament.” at the end thereof. |
| Renumbered 12(5)    | (ii) | Delete the words “Notwithstanding section 17(6),”.                                  |

*Firearms (Amdt.) Bill*

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**Mr. Roberts:** Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Renumbered clause 13.*

*Senate amendment read as follows:*

Substitute the word “16” for the words “15A” in line two.

**Mr. Roberts:** Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Renumbered clause 14.*

*Senate amendment read as follows:*

Insert a new subsection (8) as follows:

“(8) A licence held by a person prior to the coming into operation of this Act shall continue to be valid after the commencement of this Act.”

**Mr. Roberts:** Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*New clause 19.*

*Senate amendment read as follows:*

Add a new clause 19 as follows:

Section 29 amended. “19. Section 29 of the Act is amended in subsection (2) by deleting the words ‘one’ and ‘six months’ and substituting the words ‘five’ and ‘two years’ respectively.”

**Mr. Roberts:** Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Clause 20.*

*Senate amendment read as follows:*

- A. In paragraph (a), insert after the word “(1)”, the words “by inserting before the words ‘A Justice of the Peace’ the words ‘A Magistrate or’ and”;
- B. In paragraph (b), subparagraph 3(b) insert the words “relating to arms and ammunition” after the word “record” in line one.
- C. In paragraph (b), subparagraph 3(c) insert the words “relating to arms and ammunition” at the end thereof.

**Mr. Roberts:** Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Clause 21.*

*Senate amendment read as follows:*

In subparagraph (b), substitute the word “3” for the word “4” in line one. Remember the new subsection (5) as subsection (4).

**Mr. Roberts:** Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Clause 23.*

*Senate amendment read as follows:*

In the new subsection (3), substitute the word “fifteen” for the word “ten” in the last line.

**Mr. Roberts:** Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*



**RELATED MATTERS**

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Speaker, I beg to move that the House now consider jointly, Bills Nos. 2 and 3, on today's Order Paper because of their connection.

**Mr. Ganga Singh (Caroni East):** Mr. Speaker, we do not see the nexus or connection between both Bills, but we would be guided by the contribution of the Government as to the linkage and then, we would make our contributions on them.

**The Attorney General (Sen. The Hon. John Jeremie):** Mr. Speaker, there is one preliminary matter which provides context to my contribution this afternoon. Hon. Members will recall that prior to the parliamentary recess the Supreme Court of Judicature (Amdt.) Bill was passed. That Bill made provision for the increase of High Court judges from 20 to 23 to facilitate the implementation of the family court project.

Today, I have the honour to pilot two other Bills which are necessary for the launch of the pilot family court project. They are the Family Proceedings (No. 2) Bill and the Mediation (No. 2) Bill. I propose to go through the Bills together, but they are separate pieces of legislation, so I shall deal with them one by one.

*Assent indicated.*

**FAMILY PROCEEDINGS (NO. 2) BILL**

*Order for second reading read.*

**The Attorney General (Sen. The Hon. John Jeremie):** Mr. Speaker, the methodology which I propose, is to treat with the overview of the Family Proceedings (No. 2) Bill, then to speak to the object of the legislation and then point out how that object has been achieved. I shall proceed to do that as well with the Mediation (No. 2) Bill.

The genesis of the Family Proceedings (No.2) Bill is linked to the plan for the development of a separate Family Court in Trinidad and Tobago. Those plans have been mooted for quite some time. In 1979, the then Chairman of the Law Reform Commission, Dr. Edward Watkins, proposed a separate Family Court with a separate registry and an integrated system, separate and distinct from the Supreme Court of Judicature. Those plans continued under successive administrations.

In 1986, the then Attorney General, Sen. Russell Martineau, produced a draft bill which did not go very far.

In 1997, the then Attorney General, Mr. Ramesh Lawrence Maharaj, promised that we would have a Family Court within one year. That too, did not happen.

*Family Proceedings (No. 2) Bill*  
[SEN. THE HON. J. JEREMIE]

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In July, 2002, an independent committee was appointed by my predecessor, the former Attorney General, and that committee reported the main recommendation, that a well-resourced pilot Family Court be established in Port of Spain. This was to be a separate court in a separate building with a unified registry and administration, dealing only with family law matters from the High Court in Port of Spain and the St. George West magisterial district. That committee also recommended that the new Family Proceedings rules of 1998, be used for the Family Court; a monitoring committee comprising of members of the Judiciary appointed by the Chief Justice; the professional appointed by the Law Association; social services; the court executive administrator and the public be appointed to oversee the work of the pilot project.

The monitoring committee had to look at the operations of the court with a view to guiding the drafting of appropriate final legislation. That committee also recommended that drafting of a new Family Court Bill be deferred until a later part of the project. The Bill before this honourable House has a very limited purpose. It is intended to widen the jurisdiction of the courts by enabling parties involved in family proceedings within the ambit of the Schedule, whether in a superior or an inferior court of record to have matters referred to mediation. At present, the practice in the Magistrates' Courts is that the magistrate has jurisdiction to refer matters only to the probation officer.

That is the short purpose of the Family Proceedings (No. 2) Bill. It is two pages in length and occupies eight clauses. That purpose is achieved by clauses 4 and 5 of the draft Bill. It is intended that a more comprehensive piece of legislation to deal with a Family Court system in Trinidad and Tobago shall eventually be prepared, based on the work of the monitoring committee.

With that I turn to the Mediation (No. 2) Bill. This Bill unlike the Family Court Proceedings (No. 2) Bill is permanent in intent. It is intended to establish a framework for a new specie of professionals to assist in alternative dispute resolutions, in relation to family disputes primarily, but not exclusively.

I should define what is meant by "mediation" before I proceed. Mediation is a process which involves the parties in dispute working towards a solution. It varies from court proceedings in the traditional sense in that the result is not imposed on the parties by a decision of the courts. The result in a mediation is supposed to be produced by a coming together of the views of the parties themselves with the agency of the trained mediator.

The Mediation (No. 2) Bill achieves that objective by first providing for a board. The Mediation Board is intended to be a neutral board staffed by

professionals. The members of the board shall be appointed by the President, Attorney General, Minister of Health and the Minister with responsibility for Community Mediation and shall comprise of a representative of the Hugh Wooding Law School and the Chairman and Deputy Chairman shall be appointed by the President. The board will maintain four registers to enable it to operate. There would be a register of certified mediators and their areas of specialization; a register of approved mediation agencies; a register of accredited mediation programmes and a register of certified mediation trainers. The board shall have power to make regulations dealing with a code of ethics and matters regarding the qualifications of mediators.

I acknowledge that in the structure of the Bill, the Schedule provides for more than it would normally do, in the sense of a level of detail, by providing course content in relation to mediation courses which one would not normally expect to find in legislation. The reason is that we wish to get the Mediation Board off and running, so we provided it with the necessary regulations to enable it to begin. The board has power to review those regulations and throw them out entirely or in part, as the case may be over a period of time.

The changes which we propose today in both pieces of legislation would represent a fundamental departure from the traditional adversarial method of resolving disputes in general and family disputes in particular. That is consistent with our 2020 Vision which is premised on a great society and one that sees as its fundamental, families which are functional, but which recognize that at times there are family disputes. It is the duty of the State to ensure that when there are such disputes they are resolved in a fashion consistent with decency and without the resort to violence. We are keeping faith with our people. It might be, if the principles of mediation were to apply generally in this place, that we might not see some of the behaviour which we see from time to time.

I had the honour of piloting this legislation in the Senate and chairing a select committee of the Senate that was comprised of Members of the Opposition. The select committee reported that the committee was unanimously of the view that the Mediation (No. 2) Bill, subject to the amendments introduced at the Committee Stage, was a good thing. I undertook to ensure that we would bring legislation to deal with domestic violence which is at present outside the ambit of the legislation.

**Hon. Member:** Why?

**Sen. The Hon. J. Jeremie:** I can speak about that at committee stage. I undertook as well to bring to this Senate, legislation which speaks about the issue

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of restorative justice in a timely fashion. I must emphasize that the Senate was unanimously of that view. The representative of the Opposition signed the report of the select committee to indicate that she was in agreement with it. Our work on restorative justice as well as domestic violence is at an advanced stage and legislation is contemplated in those areas.

Hon. Members in this House, I ask for your unanimous support as it was in the other place. I ask of you to work together. As I concluded my remarks in the other place, I said that we all travel on the same highways, eat the same food and occupy the same space. This is good legislation and I implore my friends on the other side to support it.

Thank you.

*Question proposed.*

**Mr. Manohar Ramsaran** (*Chaguanas*): Mr. Speaker, from listening to the hon. Attorney General I would deal with the words “repeal” and “replace”. Why are we repealing and replacing? I would have liked to hear from the Attorney General the reasons for this. As far as I am concerned, the mediation centres set up by the last administration worked well. This did not happen by chance. The last administration looked at various reports.

In 1994, Prof. Ramesh Deosaran did a study on the mediation centres and the UNC came with a package of legislation to deal with the social issues of the day. I have seen quite clearly that they have pushed back these two Bills to judicial control and this is what we were trying to move away from. I ask the hon. Attorney General: Who is the Minister responsible for mediation? If it is still the Minister of Social Development and Gender Affairs, that answers my question. We have to look at the social intervention dealing with petty matters in Trinidad and Tobago. History is replete with the fact that we have a backlog of cases and from time to time people suffer while waiting for their cases to be heard.

The Minister spoke and touched here and there. Of course, he was very nervous and I want to tell him that he had reason to be nervous because, as far as I am concerned, he did not come to this House with any policy. Nothing drove him to come to this House to talk about mediation because it cannot come alone. You have to look at the serious question of alternative to custody. As far as I remember, this deals with community mediation services and referring matters to the courts to people who would mediate. I would go more into that as I go on. We want to hear more about restorative justice and, most importantly, the question of rehabilitation. I am still concerned about why we removed the word “community”.

Before I go into mediation, I would touch on the Bill relating to family proceedings. The hon. Minister misled this House and said that this started in 1997. I put on record that since 1976, the question of the family court was mooted and bandied about. When the UNC came in we were very positive in dealing with the family court. From 1976 to now, today, 27 years later, the hon. Attorney General comes to Parliament and talks about his shortfall in coming forward with this family court. I see in this House the advisor to the Attorney General who spoke at another time in this House about the importance of the family court. Today, we have an excuse with this Bill. I am very disappointed that they come back here with half-baked legislation. I believe that the time has come for the family court to be established in Trinidad and Tobago and he alluded to it.

He said that the committee that was set up recommended separate courts, a building and to use the Schedule of the Family Proceedings Bill, 1998. People come here and want to show that they care. It was approved in the Senate. I have no problem with that. He comes to this House and talks about getting legislation right; I reiterate that the policy was not clear.

When you look at the Family Proceedings (No. 2) Bill, it states:

“...family proceedings means any cause or matter or legal proceedings—

- (a) in connection with or arising out of matrimonial or other domestic relationships, including property interests; or
- (b) concerning the welfare, maintenance, guardianship, paternity, custody of or access to children,...

What are we talking about? Whom are we talking about? How serious is the Government about family proceedings? The hon. Prime Minister toured a section of my constituency. We looked at the whole question of family breakdown, family court and mediation—although it is far from that—what is taking place in Enterprise and what the Prime Minister said, after so many years in government. Mr. Speaker, you are a witness and a mediator. When we talked for two years in this House to the then Minister of Local Government and the Prime Minister about getting things done and the social problems in the constituency of Chaguanas, they turned a deaf ear. In two years, Mr. Manning said that because the whole development was unplanned, the Government needed to design a plan for the area. It would take time but it was what they intended to do. According to this article dated January 14, 2004, written by Ria Taitt in the *Newsday*, no work, no work. I would repeat this. When people come to this House to talk about solving family problems, we have to get to the root causes of the problems in this country. I have been asking for two years.

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When this Government came into office there were 34 URP gangs dealing with unemployment in the area. That was cut down to four. For two years I have come to Parliament asking for employment for these people who from time to time would vote for the PNM and they did not care about these people. I see crocodile tears. We are talking about going to the hot spots in this country. The hypocrisy of these visits is to the PNM-controlled constituencies, whether at the local or parliamentary level. For years, these people have been troubled about unemployment and getting welfare.

This one is interesting. Clause 4(1) states:

“Where in any family proceedings the court requires the services of a probation officer, the court may nonetheless utilize the services of any person whose qualifications are similar to those of a probation officer and who either—

- (a) is a public officer; or
- (b) is employed on contract by Government.”

This is another case of job for the boys. I understand that the chief executive officer of the courts would be responsible for hiring these people. Could the hon. Attorney General tell us that it would not be a repeat of what was laid in Parliament this afternoon, the HYPE and work of the people employed by that Government since it came into office? We on this side know that there is discrimination in every employment practice in this country. I am warning again, that this would only lead to social instability in Trinidad and Tobago. Again and again’ they come under the disguise of hiring people in the public service on contract. This must stop. If the hon. Minister is fair, let him come to Parliament and say we are going to do this and that. Mr. Speaker, if I turn to any page on Helping You Prepare for Employment (HYPE) or the On The Job Training Programme (OJT) and I read to you, it would sound like any PNM party group. I do not want to do that this afternoon. I am just asking the hon. Minister to understand what he is doing. I have a problem with coming to this Parliament to pass a law to hire friends and family of the PNM. We can go on and on about that.

We go to the Schedule. This is very interesting. Look at the Infants Act, Chap. 46:02. In 2002 and 2003, 121 children died each year as admitted by the hon. Member for Port of Spain North/St. Ann's West. Who would mediate in this? Who would bring the hon. Minister before the court? Would this happen? How far is this mediation going? What would happen with those deaths at the hospitals? We are talking about the Infants Act, Chap. 46:02. I want somebody to tell us how these deaths would be curbed. What redress do these families have?

I go on to the Children's Authority Act, No. 64 of 2000. The hon. Minister mentioned 2020 Vision. The President of the country, His Excellency Prof. Maxwell Richards, recently mentioned that the education system of this country needs a complete overhaul. As he mentioned 2020 Vision, I am asking him to tell us what is the vision. I have been doing some research on visioning. I have been waiting and almost two years have gone. We are Members of Parliament who make policy and decide on the future road of Trinidad and Tobago. We cannot have the Prime Minister coming here and talking about a vision and we have nothing. Is the vision a catalyst for change? What have we heard so far? Young children are dying. That vision must be shared with the public of Trinidad and Tobago. How could we have a vision that is secret and only in the public sector? We have the private sector and people who are dependent on the development of this country. We need employment for the people. We need more than talk. When we come to Parliament and listen to certain things we become very worried.

This afternoon, the Prime Minister alluded to confidence. I congratulate him for being a mediator in what could have been a very explosive situation. The lack of confidence of the people in the Prime Minister of this country is causing this. Who would mediate with Repsol and the Prime Minister? Repsol is saying one thing and the Prime Minister is saying something else. This is the confusion that is taking place. We have Mr. Lee Chin and the Parliament of Trinidad and Tobago. The Parliament of Trinidad and Tobago is supreme as far as Trinidad and Tobago is concerned. I do not want to question your ruling, Mr. Speaker, but the Parliament of Trinidad and Tobago must be respected and no mediator from any part of the world could come to interfere with justice in this country. We have a problem with that. One of the most important parts of visioning is leadership. Where is the leadership? I am very worried about that.

There is the question of cohabitational relationships in Act No. 30 of 1998. In this country we have problems with that. This is one of the serious issues with crime and unemployment. What are we doing? Could the hon. Minister tell us how a mediator would deal with this?

I turn to mediation. This is where it would get very interesting. I ask the Attorney General not to come to Parliament and try to hoodwink us into believing that work is being done. When we compare Act No. 30 of 1998 and the new Bill before us, we see changes that are so skewed. You want to understand what was the thinking. Is it to come to Parliament to say we have done this and that?

I want to read into the record from a report of the Ministry of Social Development under his watch. This report was laid in Parliament. They talk about

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all the good work that was done in community mediation centres. There are six pages on community mediation. I would read some of these into the record.

The core functions of the mediation centres are as follows:

providing mediation services to the public in a non threatening environment;

providing public education and awareness on mediation;

networking with community-based organizations and NGOs to develop and deliver viable community-based mediation.

This is where I believe everything is wrong with this legislation. When you look at mediation, it should not be all about court. We have to move away from the court system. We can look at what is making news around the world as far as mediation is concerned. You can go on the Internet. I want to read this into the record. Maybe, the hon. Attorney General would understand where the world is going in mediation and what is happening in Trinidad and Tobago.

“Mediation is a process for resolving disputes using a third-party neutral.

It is often tried after disputing parties have failed to reach an agreement on their own. Mediation offers a successful alternative to court proceedings. Its benefits include cost effectiveness, time convenience, a high satisfaction rate, and most importantly, the parties’ ability to control the outcome.”

I have in front of me the Scottish experience; the American mediation system and the Canadian experience. These are moving away from the court system. Matters are referred by the police officers, the courts, non-governmental organizations and various committee groups for mediation to take place. It is not only the courts. I thought that the Government would follow that and try to get people to understand. Certain cases might never get before a court. There might be a simple situation that could cause a problem in a family such as, a husband and wife relationship; children relationship or parent relationship that could be referred to the mediation centre without going to court. When we come here and place heavy emphasis on the court and the description of a court and the High Court, I wonder if the concept of community mediation is understood.

I would read something from the United States of America’s experience.

“The roots of community mediation can be found in community concerns...”

This is one of the big changes. We have removed the word “community” from mediation centres. All that I have in front of me have community mediation



centres. We have not been the godfather of community mediation centres. To remind you, this practice started way back in Australia, New Zealand and Trinidad and Tobago. In days gone by we had the panchayat system in Trinidad and Tobago. In a village when there was an offence and the police did not find it necessary to come, the panchayat would meet. The head would call the parties together to have their style of conflict resolution. That and the “gayap” system worked well.

We are making this one big legal issue. I believe that this is moving away from community mediation. The hon. Attorney General and the Government should come to the House to simplify the process. I am not saying that the major cases we spoke about before should not be referred to the courts. We are supposed to make it simple so that the people would understand what we are doing with this whole process. The article goes on:

“The roots of community mediation can be found in community concerns to find better ways to resolve conflicts, and efforts to improve and complement the legal system.”

This is my point, to complement the legal system.

“Citizens, neighbors, religious leaders and communities became empowered, realizing that they could resolve many complaints and disputes on their own in their own community through mediation.”

Why must Trinidad and Tobago be different? Why must we put everything in the legal fraternity? I hate to say it again, but is it another incidence of jobs for the boys? Is that all we are doing in this country?

“Experimental community mediation programs using volunteer mediators began in the early 1970s in several major cities.”

Let me come back to the Bill. I want to go into this Bill a little more so we would understand the thinking of this Government. Mr. Speaker, you will find it very interesting. Let me touch on the definition of the word “mediator” in Act No. 30 of 1998. It means:

“a person having adequate knowledge of, and experience in mediation and approved by the Minister to be a mediator by notice published in the *Gazette*.”

When you look at the meaning of “mediator” in the present Bill, it is skewed. You do not get the impression that they are serious about it. That is another example of trying to change things without thinking them through.

“‘Mediator’ means a neutral third party who conducts mediation;”

Even the definition pales in comparison.

What does mediation mean in Trinidad and Tobago? To put it in a simple way, it means a person who deals with conflict resolution. Why is a board necessary? I question that? A board to deal with mediation? The thinking of a board is not fitting here. In the haste to put power in his hands, the Minister said that the mediation board shall be appointed by the President and nominated by certain Ministers. Clause 4 states:

- “(a) a Chairman, who shall be a judge of the Supreme Court or a judicial officer nominated by the Chief Justice;
- (b) a Deputy Chairman, who shall be a judicial officer nominated by the Chief Justice;
- (c) two members of the public nominated by the President in his own discretion;
- (d) two certified mediators, or for the purposes of the First Mediation Board, nominated by the Attorney General;”

Who certifies mediators?

- (e) a psychologist nominated by the Minister with responsibility for Health;
- (f) a person nominated by the Minister to whom responsibility for community mediation is assigned;
- (g) an attorney-at-law nominated by the Law Association of Trinidad and Tobago;
- (h) a representative of the academic staff of the Hugh Wooding Law School nominated by the Principal of the Law School; and
- (i) the Administrative Secretary to the Chief Justice or his nominee who shall be the Secretary to the Board.”

Think about this carefully. I want the Attorney General in all fairness to respond to this. I have not heard anything about community leaders. Maybe, they are scared of the words “community leaders”. There are non governmental organizations that understand. This is a social development issue. Look at this board! It is heavily weighted with people from the legal profession. I have nothing against lawyers, but this is social and community work. This deals with people who would not ordinarily come before the courts. Understand that! There is

nobody representing the grassroots of Trinidad and Tobago and yet, the PNM talks about grassroots.

Mediation is to deal with people who have conflicts and would need conflict resolution. What about this board? It does not reflect this. He was boasting that it was approved by the Senate. I have no problem with that. When you come down here, you are talking about grassroots and you must understand what community mediation is about.

When you go to the performance of the board, I would ask people with experience to help me with this one. Clause 5(1) states:

“The Mediation Board shall perform the following functions:

- (a) to formulate standards for the accreditation of mediation training programmes and to accredit such programmes;”

Which board in Trinidad and Tobago sits and does this type of work? Formulate standards. Is this something new? Maybe, the Member for Diego Martin Central can make boards and knows how to formulate that.

- “(b) to formulate standards for the certification of mediators and mediation trainers and to certify such mediators and mediation trainers;”

How would this happen? The board would sit there and do this. Maybe, this board would be full time.

- “(c) to prescribe requirements to be complied with by an approved mediation agency and to approve such mediation agencies;”

You would get the prescribed requirements from the agency and you have to approve the agency. I would like to meet the members of this board to ask them how often they would meet to deal with this issue. If they say that they are recommended by the officers and they approve it, I have no problem. They have to formulate and monitor accredited mediation training programmes and approve mediation agencies. This board would be going through all the mediation centres in Trinidad and Tobago to monitor the mediation training programmes. Is this a new development in this country? I wonder and I am asking loudly. Maybe I would see the WASA Board and other boards monitoring accredited mediation.

Subclause 2 states:

“The Mediation Board shall exercise the following powers—

- (a) to enforce the observance of the Code of Ethics for certified mediators;”

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Had the Minister looked at what mediation means and some of the definitions, he would have understood what it is about.

Go on the Internet and you would see how mediation centres work and what is mediation. According to this document from Washington:

“Mediation is

Informal—no formal records are kept; any agreements or decisions made are yours

Confidential—”

According to the Canadian laws mediation is weighted in favour of the people seeking it. This document before us is weighted in favour of this Board. I will continue to examine this Board.

“Mediation is

Satisfying—all sides are heard and all sides work on the solution

Affordable—low cost and free in most cases”

I stand corrected. Maybe the thinking was there, but it was not said. According to this it is “affordable, low cost and free in most cases”, but what is coming out in my mind is that this is so heavily weighted on the legal side that offenders would have to seek lawyers to have their cases heard.

The article continues to say that it is convenient, quick and helpful. Does the Attorney General understand mediation and what it hopes to achieve? Did he look at the various issues of restorative justice and how to deal with the young people in this country?

We spoke about the Children Act. How would we deal with children in this country? Who would mediate? A mediator could be anybody, not only a probation officer or of such qualification. We have experienced people in this country who could maybe mediate for free. I thought that when we were coming with mediation it was to simplify the process. They mentioned that the last one was stillborn. When I read that in the newspaper, immediately, I went to the centre in Cunupia. I was told that during the last quarter over 274 cases were referred to the mediation centre. This was not only by the courts of Trinidad and Tobago, but also the police officers, Justice of the Peace, school principals and Members of Parliament. I referred cases of people who came to me that wanted help. They would go there and talk to the officers in charge. This is what a mediation centre is about.

**3.00 p.m.**

This is what mediation is about, not according to this:

“The Mediation Board shall...

- (a) to enforce the observance of the Code of Ethics...
- (b) to investigate and discipline certified mediators;”

I want to propose to the Government that it understands alternative to custody; alternative to the court system. Every legal practitioner in this country would complain about the backlog of cases. They would complain about the need for a family court to deal with matters that are sensitive; divorce cases and so on, but yet whenever you come to Parliament—from that side—you again put all these cases back into the legal system.

Mr. Speaker, I would not want to be a member of this mediation board.

“The Mediation Board shall maintain the following registers—”

Who is in charge of WASA or the medical board or the RHAs? Hon. Member for Port of Spain North, would your board maintain a register of proof for agencies and so on? Mr. Speaker, despite the fact that this Bill has been approved in the Senate, in my mind, the policy has not been thought out. I think I understand why this Bill came into being. This is to deal with the small people in this country, the first time offenders. When the Schedule was approved in 1998—I read Act No. 13 of 1998 into the record but it is there for people to see. Section 9(3) says:

“The process of mediation may, with the mutual consent of the parties thereto, require the defendant to do one or any combination of the following:

- (a) community service;
- (b) work for the *de facto* complainant;
- (c) participate in an educational or rehabilitative programme;
- (d) compensate the *de facto* complainant in an amount not exceeding five thousand dollars...”

That was the thinking. I just took that clause at random, Mr. Speaker. That was the thinking of what was happening with the past Mediation Bill, but when it comes to this Bill, I am waiting for an explanation.

Again, Mr. Speaker, this is interesting. I do not know who was the main person the Attorney General directed to do this.

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“For the purpose of this Act, the Judiciary, the Industrial Court, the Tax Appeal Board and the Environmental Commission and the Ministry to which responsibility for community mediation is assigned, shall be deemed to be approved mediation agencies.”

Mr. Speaker, it has taken away mediation from the people who are experienced in the field and put it in the Judiciary, the Industrial Court, the Tax Appeal Board and so on, and not into the hands of the people who understand community and family life. I would continue to say that this Bill should be looked at to give powers to people who would understand what community mediation is about.

Part III:

“CONFIDENTIALITY AND RELATED MATTERS”

Mr. Speaker, I would not read the whole thing; it is there. This would not simplify matters for the people who would seek mediation; it would complicate matters for the people who would need mediation. Again, to understand how the people who drafted this—of course with the approval of the Hon. Attorney General—continue to protect the legal fraternity.

Part III, clause 11(1) says:

“No legal proceeding may be commenced against a certified mediator or any person or official involved in the mediation process for any act done or omitted to be done in the course of the performance of his functions, in reference to such mediation process.”

I am still searching for the benefits to the people who would need mediation. What is interesting is that we have regulations and repeal—of course, they are repealing the Act—but the regulations:

“The Mediation Board may, with the approval of the Attorney General and subject to affirmative resolution of Parliament make regulations to-

(a) govern its own procedures;”

It is there in Part VI and what is coming out of this is that everything is weighted in favour of the board and the management of the board and nothing is done to deal with the people who need mediation.

Mr. Speaker, we could continue reading this Bill and to criticize it, but I am still asking the question—repeal and replace. What we could have done with this was to expand it. This is the old Act No. 13 of 1998. Members opposite probably do not understand the seriousness of mediation. Even in the last debate in this

House, Members opposite came here—we have the *Hansard*—and they fumbled. They did not understand the issue of mediation so we could not have learnt anything from them during that debate. When you look at the Bill that was approved in 1998, and when you read certain contributions made by the hon. Minister of Social Development, Sen. Abdul-Hamid, we need to have some mediation there too. I would expect that he should have been here to understand—if he is the Minister responsible—because mediation is much more than just talking in Parliament and getting things done.

I read from the *Newsday* dated Thursday, November 27, 2003:

“SOCIAL DEVELOPMENT Minister Mustapha Abdul-Hamid walked into a firestorm of criticism yesterday when he described community mediation centres (CMC) built under the UNC as ‘dead on arrival’ and ‘stillborn.’”

Mr. Speaker, if the Minister is responsible for community mediation, he does not understand community mediation. How could somebody who does not understand the concept of an important piece of legislation speak on it? He made attacks on the Opposition Senators, and according to the *Hansard* report, never concentrated on the Bill itself. That is something I would like hon. Prime Minister to investigate. If the hon. Prime Minister is listening to me, he must mediate on something that I have heard. I know that the information is confidential and it is reliable. He could investigate because he has the authority to do that as the hon. Prime Minister. Mr. Speaker, I have been reliably informed that the brother-in-law of Mr. Abdul-Hamid—the person who is responsible for some of those holes there [*Member looks up at the ceiling*—was given a huge sum for his medical bills. [*Crosstalk*]

**Hon. Members:** What? Who is that?

**Mr. M. Ramsaran:** I would like the hon. Prime Minister to—That should be laid in Parliament. If it was a decision of Cabinet we should know. [*Interruption*] Here we have an insurrectionist who was in charge of this Parliament for a couple of days; was responsible for some of the damages done here, and he has been given a sum of money for his medical attention.

Mr. Speaker, the people who have been affected by the Bill: children, infants and families, people who might need attention. People came to my office and spoke to me about the question of discrimination, as social assistance was given, and yet we have people in this country who are responsible for our country being given that bad name, internationally, who were given assistance by the Government. I have a problem with that. [*Interruption*] The Member said file a

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question. I said it and you could get up and deny it. *[Interruption]* This is how they run the Government.

I would ask people to understand what is happening, Mr. Speaker. I do not know what more to say than to ask the Government that when it is looking at an important piece of legislation like this, that it go on the Internet for free advice, to look at what has happened across the world; to look at mediation; to understand what it is meant to achieve; who should benefit; what part of society would benefit from it; and then try to put things in place. I would expect the hon. Attorney General, as he promised, to come to this Parliament with the Family Court Bill. I think it is time that it is established. He spoke about restorative justice. I want him to bring legislation to deal with that.

With respect to the question of rehabilitation of prisoners, the whole question or recidivism; I would like to see some policy come from Members on that side. When the UNC was in office it built homes to deal with people who were leaving these institutions. We know that those homes have been converted for other uses. The question of people affected by drugs and the question of drug court; where is that? Is that also stillborn? We want to know. These things were put in place. I would like us to take a comprehensive look at legislation dealing with the social programmes in Trinidad and Tobago. Coming here and talking bit by bit, and introducing, Community-based Environmental Protection and Enhancement Programme (CEPEP) and other various forms of quick patch solutions would not work.

I know the hon. Prime Minister went to Enterprise Village—as if to solve problems of guns, robbery and kidnapping—and put up 100 streetlights. Again, Mr. Speaker, this brings the question: How could the hon. Prime Minister or any Minister go into a constituency and say, “Put 100 streetlights there,” and the next morning streetlights begin to be placed there? What is the process? Mr. Speaker, they talk about Vision 2020 but this is dictatorship and we have to talk about it. Here we are seeking to introduce family court; we talk about the poor in this country—There is a question probably the Minister of Public Utilities and the Environment, who is in charge of WASA, could answer. As far as I know WASA is in financial problems but we have, during an election campaign, connections being made. I want to recommend to the Prime Minister that when you do this—not that I am crying for WASA or the Minister—the fact is that you have a business to run, and WASA is a government business, but you have all these illegal connections. I would like to see something done. For example, if the Prime Minister wishes to run 100 pipes in any depressed area, as he calls it, he should not do it willy-nilly. A voucher should be issued to cover the cost so the country



would know the cost of what is taking place in these—in my opinion—illegal undertakings.

Mr. Speaker, when he went to Enterprise he asked the persons around him—these are his exact words: “Get a contractor and make sure these people have streetlights by Monday morning.” The installation of the streetlights has started—I have no problem with that. They are my constituents and I am happy for them. The fact is that this is not done in accordance with the laws of Trinidad and Tobago. Who would pay the cost of the street lighting, Mr. Speaker? It is a borough corporation in Chaguanas. Would money be given to these people to pay for that? So, Mr. Speaker, this is not the way to run a country, and as a good mediator, I advise the Member for San Fernando East that he cannot continue to run this country as if it is his personal property. We must desist from doing this.

I will continue to talk about that Vision 2020 just for a couple minutes because I firmly believe that Trinidad and Tobago must not be run as it is being run now. We need people from the other side to be fair with us.

No amount of mediation could account for the hike in the cost of rice and flour. The poor are becoming poorer in this country.

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

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

*Question put and agreed to.*

**Mr. M. Ramsaran:** Thank you, Mr. Speaker. Trinidad and Tobago is now faced with an unfortunate situation. We have discrimination and this Bill again encourages that—employment of people who might only support one political party. We have the cost of living increase and not a word being said. There is a chicken shortage. The price of rice—somebody said it is Vision 2020; by 2020 a pound of rice would be \$20. [*Interruption*] Mr. Speaker, imagine a headline screaming at us: “Eat Cassava”. Could you mediate to a person when you are told to eat cassava? Trinidad and Tobago is going on the world stage—Vision 2020. We are seeing the “Burnhamism” coming into Trinidad and Tobago politics.

I remember going to Guyana in 1976 to play cricket for Trinidad and Tobago—this is a personal experience—and when one spoke about chicken and chips, it was some hard cassava which almost broke my teeth. Are we going back to those times in Trinidad and Tobago? I ask this Government to be careful

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because as we discuss a summary of the Family Proceedings and Mediation Bill, this could have serious implications for us. Maybe people would laugh, but if our country continues to plunge, and all we are seeing from the Prime Minister is quick patches to the problems, and nothing meaningful, we are heading into trouble.

I am glad to see the Public Services Association (PSA) president, Mrs. Jennifer Baptiste-Primus, came in defence of a person, who I would not name. She has mediated quite well. I see the Member for Point Fortin smiling. The fact is that somebody must come to the defence of these people in Trinidad and Tobago; that is what this mediation is all about. As I said before, the Speaker, the President of the Senate, anybody who has to intervene between parties must be referred to as a mediator. The fact is that when we see these atrocities being committed in Trinidad and Tobago, and one by one they are filling the bucket, we would be the laughing stock of the world. I am warning the hon. Prime Minister that he could come and read as much statements as he wants—I have been on this side and on that side—We have heard so much abuse being hurled against the UNC when we were in office. Once I heard the hon. Prime Minister rose to his feet and told the Member for Caroni East that he was going to cause an investigation to be held with the WASA \$19 million. Of course we have not heard anything since. Today, however, I thought I would have heard the Prime Minister end his speech by saying that he is going to cause an investigation to be held into what was said in this Parliament last week. No such words, so maybe there is something more in the mortar than the pestle.

Mr. Speaker, I am going to end now, but I could go on and on talking about mediation and why we must have something meaningful—let that remain in the Attorney General's head—to the people who need mediation. This thing is skewed. This reminds me of some cricket boards across the West Indies who only care about themselves with their jackets and ties and not bothering about the cricket team out there. This also reminds me of “jobs for the boys”—a heavy board; about 20 people on a board to do mediation, Mr. Speaker. Is mediation so important? What is happening? I ask the question very humbly. Let us deal with the people who are affected and who would need the support of mediation centres in Trinidad and Tobago.

I ask the Government to expand the centres throughout the country; we now have three: Laventille, Cunupia and Tobago. One of the very junior employees of these mediation centres came to my office a couple days ago; very junior; neither here nor there; just a member of the support staff. She told me that the talk around the mediation centres is that this pilot project—I do not know where they got

“pilot” from—was shut down in 2003, about four or five months ago, and the intention is to dismiss everybody working there to bring in staff of the People’s National Movement. We have over 100 such employees—I do not know the exact figure—but again it smells of discrimination and hate. Mr. Speaker, if you could treat people who are experienced in mediation in that manner—I understand the Minister of Social Development referred to them as UNC. Anybody who opposes them in any way is UNC. He has pledged to fire every one of the workers attached to the mediation centres in Trinidad and Tobago; none of their contracts would be renewed. That information has been said to me and because of evidence of their discrimination, I have no reason to doubt that would be the case.

The people who were hired as mediation officers in Trinidad and Tobago were people I met with vast experience in probation and other such areas. In fact, when the mediation was being discussed these officers came to me voluntarily to talk about mediation as an alternative to custody. I am saying this to give you an understanding of why we need these people at the helm of such centres. What are we hearing, Mr. Speaker? Personal interaction; maybe somebody did not like somebody; maybe they stood up and said the mediation centres are doing well so why close them down; I do not know. I was told that the Minister said that he is going to fire every one of them because they are UNC. We have to understand that—Mr. Abdul-Hamid, the “fella” who gave his brother-in-law a huge sum of money for his medical expenses—when you do this in a situation as mediation, what would you not do? People of all political and racial affiliations come to get help and they put their confidence in you, and when you could run an organization like that, without due process, without thinking about equality and equity, how then could people have confidence in such an organization?

I would like the hon. Attorney General to investigate this. I was the Minister there; I have friends in the ministry; I confirmed this with senior officers there and they told me that. In fact—not to bring the Public Services Association into this debate—I understand the person who was asked to make that recommendation for Abdullah resisted and was threatened to be transferred from the ministry. The person resisted; he did not want to do it because there are rules and regulations governing social development and this did not fall within that purview. The officer, I understand, was threatened with removal from that ministry. Mr. Speaker, when this happens how then could the Prime Minister accuse us of maligning this country? I want to say on this side that no member of the UNC has done anything to shame Trinidad and Tobago in the international arena as the people opposite, the People’s National Movement.

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Mr. Speaker, I heard Mr. Dumas and I think people like him should be mediators. In all fairness, we need people like these; people who have had experience in dealing with people; they do not have to be a lawyer who is qualified in probation or mediation.

**Hon. Member:** Mr. Bereaux.

**Mr. M. Ramsaran:** Of course. We need people who understand human problems. I have listened to him on that particular issue and what he said—*[Interruption]* A Member mentioned Vision 2020 but to me Vision 2020 is something very wide, where you are talking about the future of Trinidad and Tobago.

When we have a Prime Minister whose excuses for flying to Spain and so on, reek of nepotism, I feel very worried because I know, in another jurisdiction, a certain minister was fired from his job because he also took a flight from a foreign businessman who did business in this country.

**Mr. Singh:** *[Inaudible]* Travel Gate, Chief of Staff of White House.

**Mr. M. Ramsaran:** Here we have the information, Travel Gate, Chief of Staff. Here we had the Prime Minister of this country—I would like somebody to mediate; did he or did he not get a free ride? Repsol is saying one thing and the Prime Minister is saying something else. Maybe the Member for Tunapuna could mediate and find out what is happening. We cannot preach one thing in this country and practise another. Corruption has been used politically by the last administration to deal with the United National Congress, but today what I have been hearing coming from the Ministry of Social Development is nothing short of scandalous. I understand that a new form has been prepared and it was vetoed by the public servant where the minister himself—I do not know who gave this Minister the authority to do those forms? It had to be Christine. The forms had “name, age and race”. *[Crosstalk]* We are going backwards in this country! We know the University of the West Indies (UWI) did that! *[Crosstalk]* It was aborted; it was stillborn, but the fact is that the Minister attempted it. I am calling on you to investigate that Minister. *[Crosstalk]* I am glad you joined the debate, Member for Diego Martin Central because you said you never behave badly in this House and that is something we all know, differently. *[Crosstalk]*

Mr. Speaker, I do not know if to say that we on this side support this Bill or not. Yes, it was supported in the other place but, in my mind, I believe that this Bill is flawed. We should go back to the drawing board. Let us look at all these documents; I could give them to the officers in the ministry to look at the history of mediation.

I have visited mediation centres across the United States of America; I went on my own. When you go into a mediation centre you never feel the presence of the law. The law is not necessarily a part of mediation centres and today when there is this heavy—but the Government allows the NGOs to mediate in problems. Mr. Speaker, I, Member for Chaguanas, have difficulty in supporting this Bill in its present form. I have serious problems because the problem of mediation has not been addressed. With respect to the question of confidentiality, yes, it was mentioned here and there, but I believe, strongly, that if we want to approve a bill such as this it must be weighted in favour of people who need mediation.

We could continue talking about various things in this country under Vision 2020, but I end by saying that the Government should get serious about the social programmes. I am not talking about handouts because it is time we move away from handouts. It has been said that the Prime Minister of this country is solving—Yesterday's solutions, Mr. Speaker, are today's problems. The whole Unemployment Relief Programme (URP) has been a monster; the Community-based Environmental Protection and Enhancement Programme (CEPEP) is now becoming a monster; all the various handouts in this country are becoming monsters. It is not too late for the hon. Prime Minister to understand that governing a country is not only about winning elections. He went on these tours and heard people admitted that they are selling drugs; they are using guns; police are afraid to come into the communities—

I am sure the hon. Member has some common sense left to appreciate what is happening, but yet what does he do—100 streetlights! Would that full somebody's stomach? Would that prevent a man from shooting somebody else? Would that solve the social problems in this country? We did not have those problems. I have no problem with putting streetlights.

### **3.30 p.m.**

Mr. Speaker, through you, I ask the other side to let us deal seriously with putting back sustainable growth as the mantra for Trinidad and Tobago. If we do not do that, when the hon. Prime Minister walks Trinidad and Tobago next year it would be much more than what he has just witnessed.

Mr. Speaker, I thank you.

**The Minister of State in the Ministry of Social Development and Gender Affairs (Hon. Diane Seukeran):** Mr. Speaker, I am somewhat bemused or dazed by what I was hearing from the hon. Member for Chaguanas, who seems in turn to have done something to the pattern of thought of the hon. Member for Couva

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South and, since he seems to be bringing all sorts of things, he, too, like the hon. Member for Chaguanas, seems to be somewhat—hon. Member for Chaguanas, I wish you would be careful in what you do to the persons who work with you.

Just to clarify what seems to be the question in the minds of hon. Members opposite, we are talking about an Act relating to family proceedings; that is the topic that is on the table. And might I at the same time commend the hon. Attorney General. I watched him go through his baptism of, not fire, but of total boredom as he listened to the hon. Member for Chaguanas, with his garrulous inanities. It was the most extraordinary thing and I watched the patience and I commend the hon. Minister if I may say so, publicly. We are asking the support of the hon. Members opposite for this Bill—and I think they all know, but let me repeat it, of the enormous outcry for alternatives to the justice system in the courts of Trinidad and Tobago from Lawyers—and there are several lawyers on the other side—and from lay persons in matters that affect the family and particularly the children. These Bills do not attempt to do what the hon. Member for Chaguanas was asking. I heard him ask for two things. Firstly, he asked that his constituency be left in darkness. That, I think I heard, was his decided plea, that the Prime Minister should not visit and put lights and, therefore, that his constituency be left in darkness. And he asked for clarification on several things. He was talking so much.

Mr. Speaker, let me draw your attention to the Explanatory Note of the Bill and I will take the liberty of reading it:

“The main purpose of the Bill is to promote the resolution of family disputes in an environment less adversarial than the present system now permits by providing the superior and the inferior courts of record in Trinidad and Tobago with the jurisdiction to utilize the services of persons other than probation officers to provide mediation, counselling and conciliation before or at any time during litigation.”

The emphasis is upon mitigating the adversarial climate in the courts of Trinidad, because—and I want the hon. Member for Chaguanas, and hon. Members opposite to look very carefully at what the Bill seems to cover because the hon. Member for Chaguanas was referring to it in a most skewed fashion. It talks about the Administration of Estates Ordinance, where children and persons inherit property and money; it talks about the Married Persons Act where persons can remain married and still divide their properties; it talks about the Matrimonial Proceedings and Property Act which is basically divorce; it talks about Maintenance Orders; Infants Act; Adoption of Children; wards, et cetera. It talks about the garnishing of people’s salaries; the age of majority; the status of

children—that is, when a child is born out of wedlock and wants to declare that person is the legitimate father of the child; it talks about succession, it talks about the attachment of earnings, garnishing; it talks about cohabiting; it talks about the Children’s Authority and community residences for children, orphanages, et cetera. It is a very comprehensive schedule that affects property and money and it affects children in particular. This is to deal with very, very contentious acts and, therefore, I draw your attention to the Explanatory Note, which is to create a less adversarial role. [Interruption] Forty-six children did not die under the courts of Trinidad and Tobago. They died as a result of the negligence of an officer and not of a minister, although the hon. Minister, I agree with you, is accountable.

I want to draw attention, and again I emphasize we are talking about creating less adversarial and whom it affects.

“In this Act ‘family proceedings’ means any cause or matter or legal proceedings -

- (a) in connection with or arising out of matrimonial or other domestic relationships, including property interests; or
- (b) concerning the welfare, maintenance, guardianship, paternity, custody of or access to children,

and in particular, proceedings under the statutes listed in the Schedule, but does not include any criminal proceedings.”

That is an extremely important reason for bringing this Bill, for creating the less adversarial climate in which to deal with matters that affect children. In many of the instances here property, money, family, the animosity does not only affect the participants. It affects the children. It has a psychological effect which damage is long lasting. Long beyond the court drama is the effect upon the participants of what goes on, the hate, and upon the children of the separations that are caused. So that the effect of implementing this Bill would not simply be the result in the saving of time and of money, but of lessening the agony and stress that is faced by children in particular, who too often are the silent victims of the contentious issues that are encompassed in this Bill. The objective is to avoid the animosity that generally follows as a result of the cut and thrust of the art of advocacy in the theatre of the court. That is particularly what it is doing, and historically, the system of the court exacerbates the tensions and animosities that exist between two parties who are in a court. It creates further polarization and has a more lasting and deleterious effect particularly and again, upon children.

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Mr. Speaker, you would appreciate, perhaps more than anyone here, and I know there are several lawyers in this honourable House, that it is not the role of the lawyer to be concerned about the effects, the psychological damage that he is creating in the course of the animosity that exists in a courtroom. It is his role to win his case and the consideration of the psychological consequence does not form part of his primary cause even when a child is affected.

Mr. Speaker, I think we can truly say, and I know you would agree, that no greater fury exists than when love is scorned. Not just woman's scorn but when love itself is scorned, either party, and no greater fear exists than when money and home are under threat. All these are endangered and in threat in this piece of legislation that is being considered here.

It is extraordinary, for instance, that upon divorce or in the parting of ways of any family unit, that the passion of love that is manifest between married persons or persons in any connubial relationship, all too often turns to vitriolic hate and animosity. In a divorce, the passion of love that affords protection too often turns to the passion of hate that would rip the other party once so loved, apart. *[Interruptions]* And I am sure, Sir, that you and I would both speak of our own experience, of first Corinthians. But whatever the determination of the court, what matters is that the family structure is irreparably damaged and that the role in the part particularly of divorce, the family structure is endangered and that the role and responsibility of one party at least is abrogated. All of this impacts—and I keep making the point as to why we must support this Bill—upon the child.

Too often one sees exactly what the hon. Member for Chaguanas, who once acted in the position of Minister of Social Development, knows too well. Too often one sees the effect in children who live in isolation, children who are scarred for life, children who have antisocial behaviour, children who carry those scars beyond this generation into another generation. Dysfunctional children creating dysfunctional families, creating dysfunctional communities that in turn become a dysfunctional society. That is the result of the trauma that is faced by children.

This Bill seeks to mitigate the consequence of the adversity, the adversarial nature of the court, the consequence to the child, to any party of the matter. And by tying it to the Mediation Bill and the services that that offers. It does so in the Family Proceedings Bill, clauses 5 and 6, ties it basically to mediation services. That facilitates the mitigation of the emotional damage to both parties of an action as well as to the children affected by the matter prescribed in the Schedule. The hon. Member for Chaguanas kept asking about the Mediation Act. He was so



busy weaving that one had to listen very closely to what he was saying. I want to say little here because I am quite sure that the Attorney General in his winding up will deal substantially with the differences as to why it is necessary to repeal the Act of 1998 and to bring the new Bill.

In general the Act of 1998 was far too loose. There is a difference. The first Act of 1998 says: “An Act to provide for community mediation as an alternative to litigation for certain summary offences and civil matters,” whereas the new Bill says: “An Act to provide for mediation in Trinidad and Tobago”. It opens it up. More than that, in the original Act there is a looseness. It leaves a residual power in the magistrate to determine who shall get mediation. It does a whole set of things that are confusing in the Act. It is too loose and its language does not give a clear definition as to the role and purpose of what they are supposed to do, which is perhaps why, for instance, it was found necessary to close some of the centres. Under the last Act, it was too loose and because people did not have clear guidelines they would have found themselves doing things outside the ambit of what was allowed within the Bill.

The new Bill says—and the hon. Member was questioning the Board. As I said before, mediation was referred to by a magistrate in this last piece of legislation of 1998. In this one a Board is to be set up by the President and the composition—and I know what he was talking about—but if one looks at the quality of the skills encompassed in the composition of the Board, it has wide-ranging skills that come together to act in the interest of what one is attempting to do under mediation; it includes certification, it includes agencies. I wondered whether the hon. Member for Chaguanas was saying that anybody could get up and say I am a mediator. Anybody as they say in Trinidad and Tobago, could “chook yuh” mouth in somebody else business and say, “I am mediating.” That is what it seemed the hon. Member was saying.

The hon. Member for Princes Town is a lawyer and if he were to look at the frontispiece of the Bill that provides for mediation he would see very, very clearly that it fine-tunes, it allows for certification, accreditation; it does so many things that allow one to function correctly in the art of mediation—who shall mediate, what qualifications they shall have, the bodies that shall be registered—instead of going here, there and everywhere. We must do the thing correctly.

We are about setting—and he was asking about the vision of this Government, it is about setting quality standards. It is about ethics. It is about regulations, and it is about acting within the rule of law. And in these pieces of legislation, mediators must function within the rule of law.

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The hon. Member for Chaguanas asked us to expand the existing Bill, and, perhaps, we could have. But because it was so loose, it would have just complicated the issue. It is easier to repeal it and put in the new Bill that is well fine-tuned. He asked about recidivism and I had to tell him that from our reading, there were no reports that came out of the centres that had been opened. So one could get no information. There was very little and that is true. Secondly, he asked whether mediation was so important as to merit a board, and I wondered whether this hon. Member who has so long advocated mediation, and who was accusing the Government of being high-handed, dictatorial, interfering, et cetera, whether he was not interested in moving it out of the political and into something that could not be touched by the politics of Trinidad and Tobago.

I have no doubt that we are a litigious people, that we are contentious by nature as is evident in this honourable House all too often. But, the hon. Member for Chaguanas, I have to say, is almost contortionist in his ramblings. I cannot help but say it. I cannot find justification for anything that he was saying. On the contrary, I compliment the past attorney general, the one called Ramesh Lawrence Maharaj, on recognizing the need for mediation, recognizing the problem and actually doing something about it. Too long we look and we recognize the problem and we do not do anything about it. I compliment the government that did it and the attorney general that did it. *[Interruption]* He was on your side but he has seen the light.

Might I just point out we are talking about ethics. Both Bills talk about ethics, and obviously, the hon. Members opposite, particularly the hon. Member for Couva South, does not understand ethics. In fact, if that Attorney General was touched by what the hon. Member for Chaguanas was saying, he saw the need not only to deal with the animosity and the adversity and the theatre of the courts, and remember that attorney general was an excellent player in the theatre of the courts but perhaps he was guided by genetic memory. If one were to look at the composition of Trinidad and Tobago—its culture, its people and their customs, and when we look at our ancestors who practise mediation and justice in the council of elders, which is the same whether one wants to call it panchayat. Whether we came from Africa, whether we came from India, China, Syria, Lebanon, from wherever of the old world, we have practised the art of our ancestors a long time, the art of the inner circle, the council of elders, the panchayat system we have talked about. There are systems that lead to restorative justice and to reparation so that both emotionally and physically, it allows the continuance of the individual, of the family and of the community.

Mr. Speaker, this Bill is about the continued health of both the family and the community because it is inside the family and the community, and only there, that

the ego of the individual, the I am, I need, I want, I wish, I have to have, the “me”, the “I” disappears and can be subsumed in the collective good of the “we”, that is community, family and society in the rule of law.

Mr. Speaker, these Bills almost lead us backwards—not as we were saying into the new systems, into restorative justice as is practised and he touched upon it, in Canada and United States. In fact, it was begun formally by the Mennonites in both Ontario, and Indiana in 1970—placed into the formal system. Today we see the effects of it in the community policing, in mediation and counselling in the schools, in the homes, in the churches, the courts, and in the United States—even in the criminal offences of rape, murder, death, drunken driving. All of these are attended to by mediation that affords the victim the satisfaction of knowing why it happened to them, to answer “why me?” and the offender to feel what he has done to the victim and to practise remorse and to make reparation.

That is what mediation is intended to achieve. It allows for the psychological need of people. It therefore allows for the creation of a safer, stronger, healthier community that works in partnership with the existing government agencies and court systems. It allows for the integration of social services and this is particularly important. The former Minister of Social Services, in fact, should be most anxious to see it work—the government agencies and the social services working in conjunction with the court systems: allowing for integration to take place and allowing for the healing process of both victim family and community in that all of whom have a say in the outcome. That is what fosters the healing process.

The Family Proceedings Bill and the replacement of the Mediation Act of 1998 in conjunction with the present Bill, leads us further along the path restorative justice. The hon. Member was asking for more so we are giving him more of restorative justice. Perhaps, the complaint might be, and quite legitimately, is that it is exclusive of domestic violence, it is exclusive of incest, and there is a rampancy of both these hideous and heinous acts in Trinidad and Tobago. But these are criminal matters and the Bill does not consider criminal matters.

To answer the hon. Member for Pointe-a-Pierre, it is not a bad thing that we leave it outside because as we have said, this is a pilot project. It is intended to grow and eventually to encompass all these things. But it is better to do things correctly, slowly, than to do them all at once and make a million mistakes. This is about diminishing the adversarial nature of the Family Court. If one adds these other matters, which are particularly contentious, then one might have a problem.

In fact, personally, I believe that these matters ought to be brought at a stage further on, into the ambit of the Family Proceedings Bill, but as I said, at a later

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day, because victims of domestic violence, rape and incest, particularly those three, need mediation services more than any other—and they need it in the formal justice system that would allow the victim to understand the “why” and to heal better. Too often the victim of rape, the victim of incest, the small child who has been abused by his own father, blames himself and says, “I am the cause of it. The pretty girl who was peacefully walking down the road who was dragged into an alley says “I was dressed too pretty, I was inviting it.” This happens too often. Mediation is extremely important so that the question “why me” is answered and that the victim sees clearly the role he played, that the criminal sees himself through the victim’s eyes, et cetera, et cetera.

Mr. Speaker, while and until these particular actions are brought into the ambit of the legislation before us, perhaps what would happen if we were to pass—and I am looking for the absolute support of every hon. Member opposite who knows what I am saying is true, the mediation services provided by the Mediation Act and the establishment of these Bills would facilitate for the proper functioning of the Domestic Violence Act, 1991 which does allow for in-camera hearings. It is important that the Bill be passed today. It is important that we note that the Mediation Bill tightens up the existing legislation by repealing it and putting into place, as the Attorney General said, good legislation. This is not a final Act. It is a pilot Bill before us and we know that it will be fine-tuned; that it will cover more matters; that it will do the job better. And all this would be happening against the backdrop where the facility that is NIPDEC is being properly fashioned so as to have this centre function correctly.

Mr. Speaker, I close having pleasure supporting the Bills before us and in asking the hon. Members opposite to support the measures. It is high time that this rubbish that we practise among us stop, that the interest of the people be put before the politics, the campaigning, the antics and ramajaying that goes on in this honourable House; that we consider the healing process that must be afforded the people who are considered in all the Acts in the Schedule and in clause 3 of the Family Proceedings Bill, that their interest comes first; that the nation of Trinidad and Tobago—the individual, the family, the society and the community be put first—and that is the vision—the “we-ness” of community allowed to survive—including the people of Caroni! Thank you.

**Dr. Roodal Moonilal** (*Oropouche*): Mr. Speaker, a fitting note to begin my contribution is they destroyed the lives of the people of Caroni, they destroyed the livelihood of over 9,000 employees, many of whom today, may need some type of psychological assistance, mediation and support from public agencies to provide counselling, advice on jobs and alternative careers and so forth.

This issue of mediation is not a new issue. In fact, it is quite an old issue. It is well recognized in the world today that there is an imperative for governments to get involved in matters, which previously governments and state institutions would not have an inclination to get involved in. Decades ago many of the family problems, conflicts in villages and so forth, would be taken care of by the extended family, by very senior and respected members of a family, not necessarily a father or mother. Problems would have been taken care of by aunts, uncles, grandparents and so forth, and even where they would fail there would be very strong institutions such as the church, the cultural and religious groups in the society and so on that would intervene in domestic matters, in family and village related conflict and so forth. But sadly that is no longer so, and given the decadence in the society and the break up of the family unit, we face today an enormous amount of social problems, not only confined to the youth of the country but an enormous conflict and rage in the society arising out of that collapse over time of the family unit, the strength of the village and so forth.

It also has to do with events that are unplanned and also events that are really part of development. In fact, the social problems we find in some cases are really the results of processes of development. Because increasingly as the labour market expanded and persons began to work at a younger age, as more and more women entered the labour market as professionals and so forth, it took away from the family and from the village, and those processes of development have led to some type of vacuum at the level of the village, the family and the community and this is why it is necessary today, for governments to enter that domain and provide assistance to resolve problems.

Mr. Speaker, that is a noble objective that those of us on this side, fully support. The disputes we may have today with those on the opposite side arise not from the concept of mediation but more from the philosophy of mediation and I intend to deal with that.

It arises, as well, from a conflict in establishing State infrastructure to deal with mediation and from a dispute we are having over the qualifications, recruitment and training of persons for mediation. I think that is the problem we face today and we may need a mediator here if we are to agree on some common ground.

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**4.00 p.m.**

Mr. Speaker, this debate takes place against a backdrop of the social and political problems that bedevil this country today. If we look at the last week, what can we look at? A kidnap victim became a murder victim, Aneesher Ranghoo—kidnapped for many days. In fact she has been kidnapped for longer than the duration of a test match. There was no noise from the other side of the House. One did not hear a sense of outrage, condemnation or a cry from the public domain or from those on the other side for Aneesher Ranghoo.

**Mr. Ramnath:** Bogus, bogus.

**Dr. R. Moonilal:** In fact, that kidnapping must have been bogus as well. Maybe the corpse is also bogus.

Mr. Speaker, again—I just want to put a backdrop to this debate—during the week the Prime Minister began to implement this measure. The Prime Minister began to implement mediation by cancelling a meeting of Heads of Government of the Americas in Monterrey, Mexico, to attend to domestic matters at home. In the process, the critical issues of social and economic development, good governance and so on were handled by the very able Minister of Foreign Affairs, who I think led the Trinidad and Tobago delegation. However, the Prime Minister decided that—

**Mr. Ramnath:** Is he the “fella” who sold some land at Crown Point?

**Dr. R. Moonilal:** I suspect it is the same gentleman who received some money as well.

Mr. Speaker, that aside, the Prime Minister in his enlightened judgment, thought it fit to remain in Trinidad to deal with domestic matters involving several tours of constituencies and so on. The national community suspects that was also mediation, that dealt with problems in those areas and mediating to prevent further problems. If it is that persons and organizations in those areas were planning to descend on the capital and loot or take violent action against this Government, the Prime Minister thought it fit to mediate. So, he began the process this week. How far that will go? We do not know.

Having indicated the matters I would address, Mr. Speaker—there are very few issues to take up from the Member for San Fernando West, indeed. I, myself, did not understand why it was necessary to read parts of the Bill into the record but that is a pattern of the other side. During that commentary by the Member for San Fernando West, I could not help but remember a saying by a very famous

sage, Yoga Swami, who said that a turtle lays a thousand eggs and cries silently, a hen lays but one egg and cackles incessantly. [*Desk thumping*] That really summarizes the presentation.

Mr. Speaker, I want to first dwell on the issue of the selection of mediators, their training, requirements and so on, and to take, as my point of departure, a point made by the very distinguished Member for Chaguanas. The Member for Chaguanas alerted the Government to the possibility that this process would be undermined, politicized, tainted and polluted if the Government did not approach the matter with a fair amount of transparency, accountability and decency.

The hiring practices and policies of this Government are not secret—I will not dwell on the matter now—since this Government was annointed in 2001, with their 18 seats at that time. It is not secret and has been in the public domain—WASA, NHA, CEPEP; everything. I do not want to get into that, it is no secret.

There is a risk that the persons to be hired and trained in this process will also come through the very mill that produced those workers at CEPEP and elsewhere. This is what we want to guard against because it is a critical issue. Mediating is not cutting grass at the side of the road. That is not mediating. Mediating is an important function; entering into communities, engaging in very confidential and sacred discussions; having persons open up to you and bare their soul to you as a mediator. So those persons who are entrusted with this responsibility must be chosen carefully, well trained, competent and respected.

**Mr. Ramnath:** Somebody like Rahael.

**Dr. R. Moonilal:** That must be a humorous aside.

**Mr. Ramnath:** He went to mediate in Caroni and promised the people land and all he is interested in is scorching people.

**Dr. R. Moonilal:** [*Takes a drink of water*] Mr. Speaker, I am just taking a drink of water, I am not allowing the Member the liberty to speak.

**Mr. Ramnath:** He “buss deh throat”.

**Dr. R. Moonilal:** Mr. Speaker, how those mediators are chosen is critical. If one pollutes that process it may lead to social turmoil, criminal activity and heightened emotional tensions. This is a very diverse country and if the people one is going to appoint and train are not up to that task and are out of sync with local culture, practices and so on—

I am very concerned about that because the Government and the State would depend upon organizations and institutions to engage in different programmes—I

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would not say academic programmes, but training in courses. Persons to be selected, according to the Bill, would be engaged in training courses, education involving law and social policy. They would be trained in that.

Mr. Speaker the question is: Where will they be trained? It would be the responsibility of organizations involved in mediation and so forth to train these people, but also, it may well be the responsibility of the tertiary level institutions or the training institutions—not necessarily the university—to get involved in preparing a cadre of mediators. This is a concern that those of us on this side would bear. The Government's action, as it relates to training persons in an equitable and transparent way, is suspect.

Mediation is connected not just as a social feature to mediate in family disputes and so on, but it is also an industrial relations function. Today, at the corporate workplace there are professionals trained in alternative dispute resolution who deal with matters that would normally go through a collective bargaining or a trade dispute process involving lengthy time and money, litigation, court and so on. Alternative dispute resolution professionals will seek to deal with those matters and resolve them quickly, and in the interest of both parties, so that you offset time, loss of money and productivity. So the persons involved in alternative dispute resolution at the corporate level are also persons who, with some training and knowledge of law and so on, could be involved as mediators in the community.

Mr. Speaker, institutions such as the Cipriani Labour College are involved in training persons to enter into the labour market in a wide field of study. Many moons ago a labour college would only be dealing with industrial relations, labour law and so on but today labour colleges deal with mediation, alternative dispute resolution, bringing people together to pass on certain skills of team work, of training people how to spot a win-win solution to a problem, of training people how to appease and convince people that there is solution where both parties win. Labour colleges today do that.

Mr. Speaker, while the Government professes this strong mandate on addressing issues of mediation and so on, the training institutions are being undermined. It has come to our attention that the Government of this day has taken a decision at the Cabinet level, to relocate the Cipriani Labour College. The Cabinet took a decision to relocate. No one on the Government side can go to the public and explain why they should be moved from the Cipriani Labour College on the Churchill-Roosevelt Highway? That institution is expanding in areas as alternative dispute resolution, mediation and so on. Why?



**Mr. Ramsaran:** To put houses.

**Dr. R. Moonilal:** To put house, that's one, what is another guess? To put houses to sell off to their friends in real estate as prime real estate property. What else?

Mr. Speaker, they have taken the decision to move the labour college and they asked the college to tell the Cabinet and the Government the cost of undertaking short-term minimum repairs to their facilities. One would not believe that the Cipriani Labour College, after hiring a consultancy group, has indicated that the cost of short-term minimum infrastructural development at the labour college is \$14 million.

**Mr. Manning:** Mr. Speaker, I thank the hon. Member for Oropouche for giving way. I wonder if he is prepared to tell us why he thinks that it has come in with a figure like that?

**Dr. R. Moonilal:** Excuse me, please repeat.

**Mr. Manning:** I wonder if you are prepared to tell us why you think the cost of short-term remedial measures at the college would have come in at a figure like \$14 million?

**Dr. R. Moonilal:** Well, Mr. Speaker, I do not have to tell the hon. Prime Minister what I think. I could read for him what the consultants, Trinsult Consultants Limited, had to say about the plan for the college: upgrading library facilities, introducing a computer laboratory, student common room, faculty teachers' room, sick bay, general washroom facilities and so on. There are the occupational, health and safety requirements—of course the recently passed health and safety requirements and so on—those are the costs involved.

The consultants have tendered their report, but it is interesting that the Government may consider spending \$14 million to upgrade a facility and then relocate it. It sounds familiar; upgrade the Parliament and then move it. This is what is happening.

Mr. Speaker, this has led to a series of letters to and fro between the college and the Government. Apart from the \$14 million that may be wasted by fixing the labour college and then relocating it, the chairman of that college—I in no way speak on behalf of the chairman of that labour college, a close acquaintance of several on the other side. In a letter from the chairman to the Minister of Labour and Small and Micro Enterprise Development, the Member for Point Fortin, the chairman is at pains to point out that they have undertaken as was requested a

consultancy to indicate the cost of short-term infrastructural works. They went on to indicate the consultants suggest that:

“the existing location provides adequate space for the current and projected needs of the College, including classrooms and Conference facilities, auditorium, library, student and lecturer facilities, administrative offices, dormitories, recreational facilities, parking and utilities;”

**Mr. Singh:** So why they want to move it?

**Dr. R. Moonilal:** Why do you want to move it? That land looks juicy.

Secondly, the consultants indicated that:

“an engineering solution exists at relatively low cost for the problem of flooding...”

It flooded in November 2002.

**Mr. Manning:** Mr. Speaker, I thank the hon. Member for Oropouche for giving way. Just for the record that matter is still before the Cabinet and no decision has been taken.

**Dr. R. Moonilal:** Mr. Speaker, then maybe I can influence any decision to be taken.

Mr. Speaker, we are happy to take note that no decision has been taken. We had to deal with this before a decision was taken because we fear that that decision would have been made to the detriment of the people of Trinidad and Tobago.

The consultants went on to say that they can deal with the flooding problem and indicate that notwithstanding

“...the Government’s Master Plan for Road and Highway development and Traffic Management, they...recommend that any contemplated highway development in the vicinity of the College could be addressed...”

any problems

“by a number of appropriate options...”

Those problems are manageable. So we ask: Why did the Government take a decision to move the college? I ask the Prime Minister to correct me if I am wrong that his Cabinet has already taken a decision. The decision they have not taken is whether or not to spend the \$14 million, but the Cabinet has taken the decision to relocate the college. I invite the Prime Minister, or any other on that side, to stand and tell me, “Look, Member for Oropouche, you are wrong.” I want

the Prime Minister to tell us that we are wrong. They have taken a decision to move it already. Now they want to take a decision on whether or not to spend \$14 million. That is the decision which is outstanding.

Mr. Speaker, those of us on this side want to indicate, categorically, that we stand on the side of the labour movement. We stand on the side of the board of directors of the Cipriani Labour College. [*Desk thumping*] Our vision was to expand that labour college. We invested, I believe, \$1 million in the latter part of the UNC administration. Before they conned the population, we were on the way to expanding the facilities there.

Our vision was to expand and create a university town in St. Augustine and environments with the University of the West Indies, private providers of university degree programmes, a blossoming labour college, a multi-storey building that would house the labour movement on two floors and the college on the others; a campus. That was the vision of the United National Congress. [*Desk thumping*] Their vision is to move that college and create a triangle between Valpark Shopping Plaza, Grand Bazaar and another plaza. That is the devious plan to create a triangle of shopping malls there and remove a college from what is, incidentally, quite a historical site. There is some history associated with the construction of the college. [*Interruption*] These are people who really do not have any history at heart. They may talk history with the King of Spain, but do not have history at heart.

Mr. Speaker, I put on record that the college is now pleading with the Government, through the Ministry:

“Our urgent need for appropriate classrooms...”

Do you know that this college is using facilities at the El Dorado Secondary School to train people in such things as mediation?

**Mr. Speaker:** I am sure you would be linking the affairs of the Cipriani Labour College to the Bills before us.

**Dr. R. Moonilal:** Mr. Speaker, just as I went there, let me come back from there in the same way I went. I am at the point of discussing the fact that the labour college is using facilities at the El Dorado Secondary School. They are preparing to undertake more courses in September 2004. Among the courses to be undertaken are courses involving dispute resolution and mediation, this Government would want institutions to quickly supply and certify mediators, whether they are private or coming from other parties, and this is where we get to, in that that is an institution that is appropriate.

Mr. Speaker, think of it. Rather than go to Balisier House and just chalk up some paper company and start training mediators, allow the labour college to train mediators. That is the point. Where, on the board of directors you have representatives from labour, employer and government, it is the appropriate institution to train mediators, not the national mediating training facility registered at Balisier House concocted at a PNM convention, not that.

**Mr. Ramnath:** What about the Jamaat at Mucarapo? They can go.

**Dr. R. Moonilal:** They may be a registered training agency, we do not know.

Mr. Speaker, this is where we have reached, to the labour college. One cannot have a vision to train people, close down and relocate; treat them in this shabby manner; allow them to continue with cramped office accommodation, with no library space or insufficient facilities for students and staff and when they ask for money to expand, they are told they are closing down

**Mr. Hinds:** Are you still talking mediation?

**Dr. R. Moonilal:** My friend from Laventille East/Morvant who just returned from Guyana a couple of hours ago would not have followed the news of the week and not when he was waiting for three hours to see the Prime Minister. *[Interruption]* He should have known better.

Mr. Speaker, I will end on this matter now by indicating briefly that the college—*[Interruption]* No, I will end on the labour college matter, not the mediation matter.

Mr. Speaker, I would end on the labour college matter now by indicating that the board has written to the Government in an attempt to change its mind, to rethink its policy decision and understand that they would be responsible for major dislocation, drop in the morale of the students and the lecturers at the labour college if they go forward with that decision which they have already taken to relocate the Cipriani Labour College.

In passing this matter and putting it to rest for now, we want to ask the Government to tell us why it wants to relocate the labour college, where they are going to put it and what use for that land? That land would go for either another phase of voter padding or to sell to their families. We were told that even at the Cabinet subcommittee meeting that ministers were asking why do you want a labour college there on a piece of prime real estate? I wonder who asked that? I do not know. Not my friend, the Member for Point Fortin, I am sure, but that is the concern. Those who are gobbling up property as if the Government will fall tonight would watch that Cipriani Labour College.

As the final point, Mr. Speaker, I will tell you that over the years every time I drive pass the labour college and take a look at it I say what a nice site for that labour college. It is so convenient for those on the corridor and south. It is so beautiful, but the matter rests and that decision is with the Government. More would be said at a later date on that.

Mr. Speaker, training of mediators is one issue, the other fundamental issue has to do with this philosophy which I want to deal with. If I deal with the philosophy of mediation, Mr. Speaker, I run no risk of incurring your wrath or ruling me irrelevant.

The Member for Chaguanas was right when he said that in other countries, when one goes into mediation centres, although sponsored by the state, there is no heaviness and is not in a state-sanctioned environment. The persons there are paid with taxpayers' money, but they have a certain liberal environment in which to work. They are insulated from politicians and public officers. They come from a cadre of NGO workers in some cases and they do not have the state as a big daddy behind them. They did not get the job because of a party card, so you would find when they are there—people go into a mediation centre in the United States of America and Europe and unless you ask or enquire one will not know it is the government that is sponsoring those mediation centres.

That is the approach we welcome. Not the approach of taking public servants like that and dispatching them throughout the country to mediate in business they may not know anything about. That is a very serious problem that I do not want those on the other side to underestimate, that problem of having public officers infiltrate what is really a social and cultural domain.

Mr. Speaker, there are many problems associated with that. In fact, the first mediator the Prime Minister may need is one to deal with this problem in San Fernando. It is no secret that there is a big problem in the San Fernando City Corporation and he may need to mediate there. The Prime Minister has adopted a very—let me look for a light word—firm position on that matter of the San Fernando City Corporation. The Prime Minister has adopted a very firm position. [*Interruption*] I would not say arrogant, I would say firm. [*Interruption*] You can say arrogant, I say firm.

Mr. Speaker, if that is the approach that they took in dealing with a matter that could have been dealt with by mediation, because it is a PNM family matter—They could have dealt with that. If they take that attitude into the other spheres of government with mediation, we are in trouble.

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Mr. Speaker, the qualifications we have spoken about. I recall making a statement, during the budget debate, dealing with mediation. I told the Minister of Finance that when we look at all their programmes to be established they should be careful not to take the heavy hand of the State and put into a domestic and community environment. It does not work that way. If you empower social groups, churches—this Prime Minister is well known as someone who has been anointed; a regular attendee at the church; well known as a strong Christian. *[Interruption]* Pastor Kitty said that. The Prime Minister is well known for his very strong commitment to religion. The Prime Minister should have ensured that religious groups like the church, temple, mosque—not the new mosque they are building in Laventille, I do not know about that—get involved in mediation in the country. One would find that the imam, pundit, priest, reverend and the pastor would have some command. In fact, there are delinquent children, even to this day, who would still listen to the priest, imam or pundit. They may not take the advice, but they will not be rude to their family priest and so on. That is an idea we wanted to develop, that the mediation centres utilize those persons rather than taking public servants from Port of Spain and sending them all over the country.

Mr. Speaker, I can give you an example which exists in Penal/Debe. The UNC government introduced the disability allowance and so forth. Am I wrong? *[Interruption]* They introduced disability benefits and there are public servants who go to the homes of persons receiving disability benefits in Penal/Debe, see two tomato trees in their yard and say, “But you are a farmer” and cut the disability benefits. That happens. A person in that area, whether disabled or not, would plant two tomato trees and so on, but they could lose their disability for that so they chop down the tree. That happens when you are out of sync with the public officials and local village culture. They do the same with old age pension.

Mr. Speaker, this is the risk we run with this approach by the Government. These are the questions we pose to the Government: Which institutions will be training persons? What are the qualifications? Is it the labour college? Who are the role players? Nikki Crosby? Who are the people to train people to do roles and so forth.

Mr. Speaker, if I can take half of a minute to wind up my contribution and indicate to the Government that our concern is with the philosophy, recruitment, the schools that will be training and in particular, the role of the labour college given the attempt to mash it up. We are concerned that there will be transparency, accountability and fairness.

Thank you, Mr. Speaker.

**Mr. Speaker:** Hon. Members, the sitting of the House is suspended and we would resume at five minutes after five.

**4.30 p.m.:** *Sitting suspended.*

**5.05 p.m.:** *Sitting resumed.*

**The Minister of Public Utilities and the Environment (Hon. Penelope Beckles):** Thank you very much, Mr. Speaker. I rise to make a couple comments on these Bills—the Family Proceedings (No. 2) Bill and the Mediation Bill. I think it is important for us to recognize that we are seeking to rationalize legislation on mediation and to facilitate the use of court annexed mediation and set the framework for the proposed family court mediation unit of a pilot project. We need to be clear on the fact that this particular process will take us to a place where I think all governments have been trying to get over the last three or four decades, that is, closer to the establishment of the family court. These two pieces of legislation and this particular project will give us the opportunity to get to that stage.

Some concerns have been raised as to the appointment of the mediation board and certain aspersions have been cast that suggest that the Government would be making political appointments to these boards. What is very clear on reading the legislation is that the way the board is comprised would do the opposite of what the Opposition is suggesting. The President will appoint the board and there has been much care in determining the composition of that board and the chairman is a judge of the Supreme Court, nominated by the Chief Justice. The Chief Justice will also nominate the deputy chairman. The President in his own discretion will nominate four members. The Board will also comprise two certified mediators, for the purposes of the mediation board, nominated by the Attorney General; a psychologist nominated by the Minister of Health and a person to whom responsibility for community mediation is assigned, nominated by the Minister; an attorney nominated by the Law Association; a representative of the Hugh Wooding Law School and the Administrative Secretary to the Chief Justice or his nominee who shall be the secretary of the board.

When we look at the composition of the board, I think that the criticisms levelled by the Opposition and the suggestion that this board is likely to be political are unfounded. What the Attorney General has actually done is to ensure that this is not the case.

You would have seen, Mr. Speaker, that there was a committee set up prior to these pieces of legislation coming before this honourable House and that there

was considerable consultation. We on this side are quite satisfied that all the appropriate procedures and consultations took place to ensure that the process was transparent and that we have brought pieces of legislation that would withstand scrutiny. We are also aware that mediation as it stands now is something that is developing; it is dynamic and, at the completion of this project, Trinidad and Tobago would be much better off in terms of getting a proper understanding of framework for the family court.

One of the criticisms many persons have made over the years is the linkage between mediation and the ministry now referred to as the Ministry of Social Services. Through the process established through these pieces of legislation, that loophole has been dealt with in that, through the consultative process, the Ministry played an important role in fashioning and ensuring that when mediation takes place a framework and structure would be in place to allow persons proper access to the many programmes and projects that are offered by the Office of the Prime Minister, Ministry of Social Services.

In the contribution of the Member for Chaguanas, he indicated that many matters were settled through the process of mediation. Mr. Speaker, we are quite aware that one of the major concerns, was that whilst the intention was that there would be referrals from the courts to the mediation centres, as contemplated by the legislation which specifically stated that persons going to the mediation centres would be as a result of court referrals. We know that most of the matters entertained by the mediation centres were actually from what can be referred to as walk-in clients. Mr. Speaker, there was still some difficulty with the magistrates, whether it was in terms of their deciding not to send court referrals or whether they had a difficulty with the process; but we do know that when consultation and mediation took place in 2002 almost all the magistrates present indicated they had not sent many matters to the mediation centres for the purpose of resolving disputes.

There was a Cabinet Note that purported to clothe the mediation centres with power to mediate matters. Looking at that Note, the intention was subsequently to have the legislation amended at a later stage to bring into effect what the Cabinet Note intended. That legislation never came into being and the mediation centres operated on the basis of the Cabinet Note as distinct from the legislation. Conflict, therefore, always arose between how the mediation centres saw their role and how the magistrates saw their role. The DPP has stated that the power, particularly as it relates to criminal matters and whether or not they should be referred for mediation, was still vested in him. He is the person, at the end of the day, who brings the proceedings to a close, notwithstanding the fact that in certain criminal



matters there are times, particularly in private matters, where there could be instances where certain agreements could be had involving mediation.

The fact is that for many persons including the NGOs, the mediators, the attorneys, the magistrates, judges have expressed some concerns about how the Community Mediation Act has been functioning. I think it is to the credit of the Attorney General that a committee was set up to look at it and to make the appropriate recommendations in order to bring these pieces of legislation to this honourable House.

The other contention, of course, relates to the whole issue of domestic violence not forming a part of this particular pilot project. We do know that when this legislation was contemplated, the major concern would have been a building to house the family court and Nipdec House has been the building selected. We all know that Nipdec House was where the Magistrates' Courts existed for quite a while until it came to St. Vincent Street. Even when it came to St. Vincent Street, there were still certain courts operating at Nipdec House. Notwithstanding the fact that the family court would be there, we also know that the building is still not large enough to house as many courts as we would like.

Domestic violence matters, as we all know, are held in camera and over the years the statistics have indicated that there have been a considerable number of matters brought before the court including crimes of passion and so on. I think we need to take note of the fact that the Attorney General has set up a committee under the chairmanship of the former Court of Appeal judge Madam Justice Jean Permanand. Included in the terms of reference of that committee is to look again at domestic violence and, more importantly, the issue of training for police officers and other stakeholders involved in the industry.

I think that whilst we have the pilot project and that committee existing at the same time, at some point we will properly be in a position to review exactly what matters should fall under the purview of the family court and to look very carefully at our options as to whether or not we should incorporate domestic violence and related matters into the purview of the family court.

My major point, therefore, was to deal with the issue of transparency as raised by the Member for Oropouche and by the Member for Chaguanas on the issue of appointment of mediators.

The other issue was one of qualification of the mediators. I think that the legislation properly deals with that—what should be the qualification and the

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whole issue of accreditation. In all countries where mediation has reached the stage of having a proper foundation, there are organizations that have been set up specifically for the purposes of accreditation and the issue of training of mediators has become a very important one.

There are a number of persons who go for crash courses—two weeks and three weeks—and set themselves up as mediators. Mr. Speaker, as this will be a pilot project with a view to having the court set up in the manner we feel best, it is important that we be clear on what should be the qualifications of mediators. In the previous legislation, qualifications of the mediators were not very clear. In reading the Act and in looking at the debate, it was clear that there was a particular concept of community mediation and, as I understand it, the objective may have been slightly different from these bills.

As we have said, these Bills seek to rationalize the legislation on mediation, to facilitate the use of court annexed mediation and to set the framework for proposed family court mediation. Mr. Speaker, I am therefore of the view that the committee has done a considerable amount of consultation. As a result of the fact that we have had several other committees looking closely at the family court, as I said, for the past four decades; including the consultation in 2002 and subsequently a committee in 2003, I think that the process and the methodology have been correct. The fact that this will be a pilot project will give us the opportunity to do the kind of monitoring and evaluation that is necessary and which very often does not exist when pieces of legislation are passed in this honourable House.

Having said that, I support this legislation and whilst we all agree that there will be challenges, there are built-in mechanisms for monitoring, evaluation and development. There is also recognition that mediation is dynamic and that at the end of the day we would be much better off after the project is completed.

I thank you, Mr. Speaker.

**Miss Gillian Lucky** (*Pointe-a-Pierre*): Mr. Speaker, let me begin by indicating that I think it is quite a commendable move that there is legislation before this honourable House that would take what has been in the public domain for a number of years, that is the establishment of a family court, and legislation to deal specifically with many of the problems faced in family proceedings.

It is quite commendable that legislation is brought forward to deal with these very important issues. I do agree with the Member for Arima who has pointed out

that it is important, especially in a pilot project, to give it time to see how it works, to see how efficient it is and what are the deficiencies, so that if at a later time those deficiencies have to be addressed, they can be. It is therefore in the spirit of being a responsible member of the Opposition—like all my colleagues—recognizing that if something is to be given an opportunity to at least be tried to see if it can achieve its objective, one ought to at least support it. That is my position with respect to the legislation that deals with family proceedings.

Mr. Speaker, my concern this afternoon—and I do not intend to be long—is with the legislation that provides for mediation in Trinidad and Tobago and, more specifically, to deal with a very important deficiency that stares us in the face. Despite reading the proceedings in the other place, the explanations that have been given by Members in this honourable House and what has been carried in newspaper reports, I am still not satisfied that this was the time and here was the place to ensure that mediation dealing with criminal matters remained in force.

By virtue of the mediation legislation, more specifically section 14(1), it is made clear from the outset that criminal matters will no longer be the subject of community mediation. While I accept many of the problems that exist with respect to mediation in criminal matters, and while I recognize the obvious problems with respect to section 90 that deals with the powers of the Director of Public Prosecutions—I am saying from the outset that a magistrate does not have the power by virtue of being a magistrate just to discontinue a matter—these were deficiencies that could have been dealt with.

With the greatest of respect to the other side, it is only because of sheer laziness and lack of foresight that we have today legislation that is being touted in terms of mediation that could do so much and nobody has given a cogent and compelling reason for why mediation in criminal matters has to be stopped and, more importantly, why legislation was not brought to deal with the deficiencies the other side seems to be so clear about.

When the legislation was passed in 1998, I was then a member of the DPP's office and I must admit that while there I did not know about the operation of the 1998 legislation. That is because most of the matters that were the subject of mediation were not matters that would reach the office of the DPP. Mr. Speaker, I am sure that you are well aware that because of the constraints from the DPP's office that situation with respect to the lack of personnel continues to exist and is exacerbated under this Government. It is only very serious matters and in many instances capital matters which are dealt with at the magisterial level by members

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of the DPP's office. I must admit that I did not know about most of the problems with respect to the 1998 legislation.

Upon leaving the office of the DPP, I operated as junior minister and was given the portfolio of intellectual property, more so copyright. I must admit I really did not have an interfacing with the operation in the Magistrates' Court because, as you would know, when in Government lawyers who are ministers or even junior ministers do not practise in the courts.

My first experience with respect to the live operation of the 1998 Act was when I embarked on my career in private practice and it was clear in the first matter I had in the Magistrates' Court, which was an assault matter, that there were deficiencies in the Mediation Act, 1998. What was even more interesting—and this has been the subject of my contributions ever since I began contributing on several issues when on this side—was that mediation and community mediation ought to be continued, but there were problems with respect to mediation in criminal matters. My Hansard contributions will bear me out. I often told the former holder of the office of Attorney General that I looked forward to the day when legislation would be brought to deal with mediation that would not only deal with the family proceedings and how it will operate with respect to family proceedings, but would also cure the deficiencies and we were promised that that was coming.

Mr. Speaker, I think you can imagine my alarm when reading this legislation. Staring me in clause 14 is the fact that there would no longer be mediation in criminal matters. With the greatest respect to my colleague and the hon. Attorney General, there is no excuse for it. If the Attorney General did not know the solution, then he should have taken the free advice that is always given on this side when we make our contributions. Listen to radio stations like 90.5, Monday to Friday, 6.45 to 8 o'clock and read the Guardian newspaper every Friday, when this advice is given free of charge. There is no need to pay consultants thousands of dollars for what you can get right here from reading the Hansard. Those who refuse to read and listen will have no choice but to hear me this afternoon as I am now on my time in a place I consider to be one with which I have gotten very familiar. It is our place.

Mr. Speaker, let me very succinctly tell you the problem. Let us understand from the outset and this is where I say to the hon. Member for San Fernando West that we have to appreciate that mediation in criminal matters never dealt with very serious offences. Even though the hon. Member for San Fernando West suggested that perhaps in the future one could look at mediation with respect to offences

such as rape and incest, I beg to disagree from the outset. In my view in matters such as rape and incest and serious sexual offences there ought to be no mediation. Let the matter go through the criminal process.

That was not the point that was being made. The point that was being made is that one of the problems with respect to mediation in criminal matters is that the category of offences was quite limited. Without taking any serious criminal matter and including it in the category of criminal matters that could be dealt with by mediation, there was need to expand the category as was stated in Schedule I of the 1998 legislation.

That was one of the first suggestions that would have been made—that there are many more petty offences that are similar in nature to things such as praedial larceny, assault and assault and battery, which are already part of the 1998 legislation. The first suggestion would have been: Expand the category. Those on the other side know about expansion.

Only last week we dealt with the extradition legislation in which one of the things done was the expansion of the categories of offences for which persons will not be able to rely upon if they are claiming political asylum having committed any of those offences. The concept of expanding the offences, not to include very serious offences, but to include many more petty offences that were left out, would have been the first suggestion.

Mr. Speaker, what was then the next problem? This one was one that called for people who really had Vision 2020 as opposed to saying that they have it. The challenge can be overcome, but it can only be overcome if there is a clear understanding of what has to be done.

As I mentioned earlier, I was appearing in two matters dealing with similar offences and what was interesting was that one procedure was being used in one Magistrates' Court and in another Magistrates' Court there was another procedure. The problem was that when parties are charged—as the Member for Arima is quite aware—in a private capacity—many people do not understand that there are public prosecutions, but there are also private prosecutions—what would happen is that the two parties, provided the accused person, or the defendant satisfied the criteria in the statute, that it had no previous convictions, the parties would then indicate to the court that they would like to have the matter be the subject of mediation. The magistrate would then look at the particular charge and in most instances would send it to mediation.

When I followed my client to the mediation centre, it was there that I learnt that even though the statute provided for it, attorneys were not really encouraged

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to sit with their clients during mediation because there was the whole concept that you did not want to have that adversarial atmosphere. You did not want one person to feel that they were at a significant advantage or disadvantage because of the attorney they had hired. When I arrived there, I understood where the mediation centre was. I went to the mediation centre in Aranguetz.

What happened was that the mediation officer was able to speak to the parties and there was a particular order and then my client called and said what they had been able to agree and the advice was given. When we went back to the court, I recognized the problem. In many instances the Order might say, for example, “the repayment of the sum of \$10,000 with a deposit initially of \$5,000 and \$1,000 to continue to be paid each and every month thereafter”. How does the Magistrates’ Court now enforce the Order? Although the person might have conformed with the Order in the first part in terms of the initial deposit or whatever else it might have been, this is an Order, and in most cases the Orders were on an on-going basis, so it might have been for a period of six months or one or two years. The courts were now confronted with a situation that there was an Order, the matter according to the legislation has been determined, but what do we do with the criminal matter?

If we discontinue it and there is a breach later on, how would you get it back on the list? Even though the 1998 legislation said that if there is a breach of the Order, the magistrate could continue to hear the complaint, the reality was that the matter was already discontinued, which could mean that you would have to restart the process. The problem is that in summary court matters there is a six-month time period that is placed from the date of the commission of the offence. So, what some magistrates did to overcome that problem was to adjourn the matter and give it what is called the “adjournment to the regular date”. For those of us who practise regularly, in the Magistrates’ Court, we know that the regular date is usually months down the road so that when the matter next came up for mention, the magistrate would then ask whether there was adherence—in most cases there was adherence. The matter would be adjourned until the magistrate was satisfied that there had been full compliance with the Order and then the virtual complainant would go into the box and say, after being sworn in: “I no longer want to proceed in this matter”.

**5.35 p.m.**

Of course, when you do not want to proceed in the matter there is no evidence, no prima facie case and therefore, a no case submission would not be formally made but it is the equivalent and that would be the end of the matter.

There is nothing illegal in that process. It does not involve the Director of Public Prosecutions (DPP) at that stage because if the prosecution cannot prove its case, that is the end of the matter. That is a matter of law, which the magistrate is right to determine.

I do agree that the DPP, by virtue of section 90, has the power to initiate, stay or discontinue criminal proceedings. Therefore, although the DPP's office was only mentioned in the 1998 legislation, I would like to say in passing, to me that was a significant lacuna because it meant that the DPP's office and the Office of the DPP itself was not given the importance it deserves in terms of criminal proceedings; which is a constitutional power given to the office of the DPP.

Mr. Speaker, it is important that when we are dealing with mediation in criminal matters we understand what happens in the Magistrates' Courts. In the Magistrates' Courts—perhaps the Attorney General has not practised recently and extensively there so he does not know the types of conditions in the Magistrates' Courts. I am sure the Attorney General would be horrified to know that in one Magistrate's court which I practised in yesterday—I understand this is the norm—lawyers are not allowed to enter the various courts until the police prosecutor is present. Wherever it came from, there were state prosecutors who were indicating that they are ministers of justice and officers of the court. Some of the persons who were responding to them were very rude. Perhaps, the Attorney General does not know that when one goes to the Arima Magistrates' Court and as a practitioner you ask to use the washroom, you are allowed to use the washroom of the staff under one condition: that an officer follows you. Some of us find that our bowels cannot operate the way they should when we are being monitored. I wish there was that kind of monitoring system for other persons in this country who seem to be getting away with murder, literally and otherwise.

Mr. Speaker, mediation is not about telling us about strategies to determine if they will work. [*Interruption*] I am sorry, I would give way to the Attorney General.

**Sen. Jeremie:** I understand that the conditions in the Magistrates' Court are less than ideal, but for two years now they have been transferred to the Judiciary. The Attorney General only plays a supporting role to the Judiciary in determining the conditions in the Magistrates' Courts.

**Miss G. Lucky:** Mr. Speaker, right now in Hollywood they are getting ready to give best supporting actor and actresses awards. If a supportive role is played by the office, then the Attorney General should support it more because right now he is not even reaching. I am not saying this to the Attorney General himself. The

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office is not doing as much as it should be doing. Perhaps, the Attorney General is not aware that his predecessor in office came in this very House and said that she was well aware of what was taking place and made promises months ago that the San Fernando Magistrates' Court would be addressed and that did not happen. If it is that the approach being taken is one of: "Well I can only try and do so much and no more", it is not a good enough approach. The Government should have a press release and tell the entire nation that it would like to do more but is being stymied. Let us find out what is taking place.

If there is a person responsible for it, who cannot administrate properly—I am making it clear that I refer to no member of the Judiciary because things have a way of getting changed when you speak and you hear about meetings and things that happened in meetings that did not take place. I am clearly stating that it is not any judicial officer that I am referring to. Let us find out who the culprit is. Clearly these things cannot continue in Trinidad and Tobago if we are talking about the administration of justice.

While those on the other side might want to jump up, party and be happy that great things are happening for those involved in family law practice, understand that criminal law practitioners feel very saddened today. There are many officers in the Magistrates' Courts who feel saddened. Many of them have indicated—this is where I have to depart from what was said by the Member for Arima—that matters that went to mediation were so successful, not only in terms of the results but the fact that their list has now become very bearable. Instead of having to wait a year or two to deal with little trivial matters such as obscene language, they could have gotten down to the business of the day and dealt with serious matters such as kidnapping, false imprisonment, murder and rape. All that has been taken away. We on this side must just sit back, relax and say nothing! Not as long as we are sitting on these Opposition Benches. We are aware of what is taking place. [*Desk thumping*] People may seek to use all the public relations they want. They may seek to use propaganda. There are those of us on this side who understand how the administration of law takes place. The Member for Princes Town is well aware of how the Magistrates' Courts operate.

Let us get back to the mediation problem. When the matters came back, it was recognized that there were these orders. How now do you enforce these orders? What is the solution? The solution was not to take the cop-out of bringing legislation hoping that everybody would focus on the good it would do and forget that clause 14 was going to take away something very fundamental. This was not legislation that was meant to have the "hing ling, ping ling" effect where when



“hing ling” is up “ping ling” is down and when “ping ling” is up “hing ling” is down. This should have been legislation that would have said: “Listen, there are problems with respect to mediation in both the criminal and the civil arena. Let us deal with both.” What is very worrying here this evening—[*Interruption*] Those who are having problems whether they are up or down maybe they can check at a later time.

Mr. Speaker, what is very disappointing this evening is that instead of being able to celebrate that we have addressed all the issues in mediation with respect to the civil and criminal arenas, all we have to say at this point is we will deal with the criminal mediation some other time, let us get rid of it. Even though magistrates will now have lists that are more burdened and even though police prosecutors who prosecute in these matters will now have more matters, that is of no relevance to the Government. As far as they are concerned they have done enough. To them this legislation shows enough is enough. Well, it is not good enough, because mediation in criminal matters is very critical.

In contributions that we have made in this honourable House—I know the Member for Chaguanas also referred to it. It is something he and I often speak about, which is the establishment of the drug court; a court that would be able to sift out persons who are users of drugs and have a problem and persons who are suppliers or drug lords and have to go through the criminal process. When you take away mediation in criminal matters, understand that you are making the poor man come back to courts and buildings that are deplorable, unhygienic and in many instances these litigants, the victims and those being charged have to wait in the worst conditions. Then justice means nothing to them. Presumption of innocence is something they do not understand. They read in the newspapers about persons who have committed atrocious acts, equivalent to treason, getting some sort of break, it is being suggested that it would be dealt with in a particular way and that there would be a strategy to deal with a strategy and that sometimes it would be strong and sometimes it would be weak. There must be zero tolerance to anybody committing any kind of act of terrorism. There is no mediation. [*Desk thumping*] This is not to have some kind of theatrical display this afternoon. Most of the media have gone home. This is because of the passion we feel, the same passion the Government talks about with respect to family proceedings. This is the passion we in the Opposition feel. It is about making sure the administration of justice means something to people who go to a court.

Whereas before—persons charged with obscene language, persons guilty of climbing someone’s mango tree and picking mangoes and of course were guilty

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of stealing—these persons could have gone to the mediation centres, no more. Police who, before at least would not have to worry that the exhibit that would comprise of the mangoes—the mangoes would start to rot—what will they do. They were happy that there was mediation because it meant in many instances they did not have to worry about the preservation of the exhibit because the matter was being dealt with, now they have to think twice and say: “You know what? What it means now is that we are back to square one.” There are no additional resources, no additional personnel, Magistrates’ Courts breaking down and people are frustrated with the crime situation in the country.

If you are the victim of a murder your family now goes. There would be witnesses in the case and imagine they have to be told: “We cannot deal with your matter today, we are dealing with other matters.” The magistrates, in fairness to them, have to deal with matters on their list. They would be dealing, in some instances, with petty matters that could have been dealt with by the mediation centres. Is this what the Government wants to say is justice? Is this the concept of what justice is? If it is that there was a problem with the Office of the Director of Public Prosecutions—I understand the problem—then why not take the efficient and competent route out? Why is it always the lazy route out? It is a problem, let us get rid of it. Why not, it is a problem, let us solve it? That is what ought to be done. That is what the Opposition does.

What ought to be done—I am giving the Hon. Attorney General free legal advice—is that the mediation centres ought to have remained operational. When the orders, if they were obtained, were brought before the court, what ought to have been done is that the matters could then have been referred to the Office of the Director of Public Prosecutions. With futuristic thinking, there are some state lawyers who do not like going to court, perhaps what they could have done is they could have received the various files and they could have perused the files. They would have seen the parties, read the offence and have a synopsis of the evidence. They would be able to get a synopsis of what transpired at the mediation centre and then determine whether there should be a stamp of approval. They would then say: “We endorse this mediation order, take it to the courts, we would deal with it.” Or they may say: “We do not agree because it seems that one party might have been at a disadvantage or seemed unsure.” Why not?

Mr. Speaker, the reason that kind of approach is not taken is because those on that side, the Government, really do not have thinking that would be able to substantiate Vision 2020. That Government does not want to sit and think: “Listen, let us solve these problems. Let us see what we can do. How can we give

more resources to the Office of the Director of Public Prosecutions now?" It may mean hiring more staff. It will mean that.

Let us see if there are police officers. I see so many of them walking around now who have been recently hired. Instead of having four and five of them directing traffic, as some of them were doing this morning—poor things, they did not seem to know their left hand from their right hand so they were just doing this [*Action indicated*] and causing a little traffic jam. An inspector had to come and resolve the problem. Perhaps, they could fulfil that role so that they would begin to understand very early in their career as police officers that it is not only about going after hardened criminals but, it is also about getting involved from the initial stages. That is Opposition thinking. That is UNC thinking. That is thinking that would support Vision 2020. [*Desk thumping*] It is not the thinking of the Government of the day. The Government feels it could hoodwink everybody.

Look around, how many persons do we see here advising the Government from the Office of the Director of Public Prosecutions, or persons who have an established criminal law record in terms of practising in criminal law? This is always the disdain and contempt that is given to an office as important as the Office of the Director of Public Prosecutions. I am not quoting anybody. I am quoting from my own experience. I would say it very openly, even when the legislation was passed in 1998, I made the point, as a member of the DPP's office, how could they just bypass us? You have to be objective when you are dealing with problems. You cannot be subjective. You cannot think: "Well, let me just pander up to somebody because this is good and it would make me look good." This is not a popularity contest.

When we in the Opposition sit here we are dealing with the nation's business. We are not prepared to let the politics of the day distract us from what we have to do. If correct and proper consultation had been done in 1998, maybe these problems would have been discovered. But for some reason it did not happen. If there were consultation all I can say is maybe the problems would not have been identified until the process began. We have had 1998—2003 and we are now in 2004. Clearly, the Attorney General and his predecessor in office had enough time to deal with this problem. If any excuse is given, as it has been given in another place, that they are concerned with respect to the role of the Director of Public Prosecutions and their concerns with respect to how they will deal with it and that they will bring it at a later stage again, I am repeating, that is not good enough. When you take away something as important as mediation in certain criminal matters, the backlog that you are creating will not be able to be removed until

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years thereafter. We have had that personal experience. What ought to have been done is that this Mediation Bill ought to have said: “With criminal matters, the process that is used in the 1998 legislation will continue.” The Government should let some provisions in this new Bill set out a kind of structure whereby it would go: Magistrates’ Court, magistrate fulfilling the criteria of whether the parties want to go to mediation, matters sent to mediation, medication officer comes and tells the court that it has been determined, that file then goes to the Office of the Director of Public Prosecutions, the officers there—there could be specially designated officers.

Does the Attorney General and those on the other side recognize that the area of law has become very specialized now? There are persons who are dealing specifically with extradition. There are persons dealing specifically with copyright. There was a time when intellectual property—one would hear that someone was an intellectual property lawyer. I know when I speak of intellectual property there is a broad smile from the Member for San Fernando West because she has a close relative who, I understand, is an expert in the field so I understand it. Now you do not say that you are an intellectual property lawyer, what you say is: “I deal with intellectual property and my expertise is copyright, or my expertise is patents and trademarks.” That is how specific it has gotten. Why in the Office of the Director of Public Prosecutions you cannot have officers who have those skills saying: “Listen, yes we are lawyers but you know what, we want to deal with matters that would be coming out of the mediation centres.” Right now, the resources in the Office of the Director of Public Prosecutions and all other state departments remain lacking. It is not a problem that has occurred overnight. I have made that point.

We have had state attorneys even before 1993 when I joined, taking strike action. That is nothing new. In those days the Attorney General did not frown at their action. What the Attorney General did was that he dealt with their action. Even under the UNC officers were frustrated and the Attorney General then did not frown at their action, he said: “Let us hire contract officers and let us have interim officers of the state.”

When you read this booklet, which we got here this evening, the *Judicial and Legal Service Commission Annual Report 2002*, all I can say is that things really have not changed since 1993 when I joined the office. At page 32 under “Criminal Law Department” there are nine positions of senior state counsel. I know a lot of this may have changed, we are now in 2004, but this is the booklet we got this afternoon in this honourable House. My understanding is that there is

no great difference to what I am about to say. I hope the excuse of: “a lot has happened since 2002” will not be said and if it is, I hope that it can be substantiated in defence. There are nine senior state counsel positions available. Would you believe, Mr. Speaker, that the number of vacancies is eight? Imagine you have the nine positions and eight of them are vacant and one person is acting. That was the story in 1993 and 1998. It changed fundamentally around 1999. Look at what is happening in 2002.

The point remains, Mr. Speaker, that this is not—although it is touted on the other side that this is a holistic approach to dealing with the problems—a holistic approach. This is what you call a piecemeal approach. For this kind of work you do not get an A, B<sup>+</sup>, B, C or C-. You do not even get an F; that is fail. You get a U, Ungraded. That was the worst mark one would get in the days of GCE O’level. The Government has now changed GCE to CXC. The Government wants to change the A’level examination and bring in CAPE. CAPE would cover up everything. That is the story of the Government, bring CAPE, cover it up.

Mr. Speaker, all I could say is that the injustice that has been done in the arena of criminal law with this legislation can never be compensated by whatever benefits—I am sure there will be benefits—that have been brought to the civil arena, more specifically with family proceedings.

Let the Government of the day understand that mediation is not about working out whether persons who threaten a nation will get land or not or whether persons who threaten the security of a nation will have their debt to the State written off or not. Let the Government understand that mediation is about promoting justice. Mediation is about giving a live meaning to the word “justice” to the poor man. Let the Government and the Attorney General understand that what has been done in terms of mediation with respect to criminal law and removing it completely can never be justified, whatever excuse is used. I have resorted to all the excuses. I have read, heard and seen all. I expect that we might get a new one or we might get the same old ones being bandied about in response. The reality is that there was a solution. It would have taken time, effort and vision.

As I conclude, by not bringing it, it shows that this Government has no time for the nation's business. This Government is not prepared to give the effort that citizens need in order to promote the administration of justice. In my conscience, with the greatest of respect—much as I say kudos for doing what ought to have been done years ago with respect to family proceedings—what a shame that those who were getting to understand that there could be resolution, non-adversarial—to use the Attorney General’s own words non-combative—they will now understand that

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something has gone wrong in the process and we go back now to the Magistrates' Courts to start all over again. Oh what a shame!

I thank you very much, Mr. Speaker.

**The Attorney General (Sen. The Hon. John Jeremie):** Thank you, Mr. Speaker. I propose to begin with the last contribution, that is the contribution of the Member for Pointe-a-Pierre. She said quite accurately that an approach to criminal matters would have taken time and that it requires deliberate action. Now that is quite true. The Member did comment a bit late. What I did say, in the course of my presentation, was that legislation was coming to speak of restorative justice and that I had given that assurance to her colleagues in the other place and that on the face of that, they had agreed with us unanimously that this legislation was important enough to go forward and not to await that legislation.

Criminal matters are different from civil matters because, as the Member is aware, there is a whole matrix of factors, which cannot be dealt with in civil matters. Criminal matters do not involve two parties; they involve three parties. The State is a necessary party. The Member is a former employee of the Office of the Director of Public Prosecutions and is well aware of that. We considered victims support services, offender family services, family group conferencing, peace circles, victim/offender mediation and parole reintegration of victims into the community. All of that is only possible as the Member says, with thought, energy and effort. Our work in that area is very well advanced. I give the Member the assurance, which I gave my colleagues in the other place, that legislation will be coming in short order to treat with that matter. We understand that it is critical and important and we shall be bringing legislation to treat with that matter.

If I can just deal very quickly with the contributions of the Member for Chaguanas who is not with us at this time and the Member for Oropouche who is still here. I cannot speak about the points raised on looting, in the context of the Family Proceedings (No. 2) Bill and the Mediation Bill. I cannot speak to BWIA either in that context, or to Cipriani Labour College, but what I can speak about is the point which the Member made in relation to the Family Proceedings (No. 2) Bill where what the Member described to be "job for the boys" problem. I will rephrase that and call it "integrity in the referral process". I think that is taken care of by clauses 4 and 5 of the Family Proceedings (No. 2) Bill. If the Member studies those provisions carefully, he would see that annex mediations can only take place in the context of referrals to trained mediators. Those mediators will obviously not be the recipients of jobs for the boys or the girls.

In relation to the Mediation Bill, I think the points of principle which were raised, dealt with domestic violence, widening the restrictive scope; criminal matters and the composition of the mediation board which I hope I have dealt with. If I can speak about domestic violence first. Domestic violence matters are not properly the province of the Mediation Bill as we conceived it. For this reason, those matters do not lend themselves readily to mediation because the victims are not generally in a position to negotiate voluntarily. There is an inequality of bargaining power between the parties, which is not present in civil matters. I wish to remind Members that what is before us this afternoon is a Bill to treat with civil mediation, explicitly, in civil matters. Criminal matters are outside the reach of this legislation. That is deliberately so.

In terms of the composition of the board, the criticism here was two-fold. On the one hand, it was argued that the board was too heavily skewed in favour of lawyers. I checked the composition of the board and it is a 13-member board. Eight persons are non-lawyers and five persons are lawyers. I do not see that as a difficulty. I do not see that as an imbalance in terms of a matter which ought to detain us this afternoon.

The second criticism, which was addressed with respect to the composition of the board again, was in relation to the jobs for the boys argument. Again I prefer to rephrase. It is interesting to compare what we have done with what existed previously. In the Community Mediation Act of 1998, all that was required under sections 16 and 17 of that Act was for the minister to fix by decree, which were community mediation centres and the minister was empowered to make regulations for the accreditation which was sufficient to enable persons to function as mediators. I think what we have done in terms of the establishment of a board is more transparent. I think that would bear scrutiny. It certainly bore scrutiny in the other place and I wish to recommend it as a measure to insulate politicians from the process.

### **6.05 p.m.**

We have examined other pieces of legislation in relation to mediation generally, but what we feel is necessary for Trinidad and Tobago, at this time, is to begin with this pilot project. We have a way in this country of copying legislation *carte blanche* from other territories. The 1998 Family Act was copied from a Uganda model. Now, what we have done is to try to create an administrative structure, which would allow us to learn lessons, which are relevant to our own circumstances, and then to derive at legislation based on the lessons learnt.

There is a monitoring committee which is not run by politicians; it is led by the Judiciary and lay persons, and that committee is going to formulate proposals for the final establishment of a piece of legislation, which is general in reach.

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Mr. Speaker, that is all I propose to say in relation to the Mediation (No. 2) Bill and the Family Proceedings (No. 2) Bill, but because the Member for Pointe-a-Pierre chose to discuss the Magistrates' Courts, I crave your indulgence to speak on that matter for just two seconds.

We have had a running debate in this country between the Executive and the Judiciary and the powers in relation to those two branches of Government. Two years ago, the Government transferred to the Judiciary—and the Government did so properly in my view—jurisdiction with respect to court buildings. Those matters fall squarely under the jurisdiction of the Court Executive Administrator, and that is consistent with the doctrine of the separation of powers. It is the responsibility of the State to facilitate the work of the Court Executive Administrator. For example, if an architect is required that could be done, but the Attorney General no longer handles these matters. In previous incarnations the Attorney General assumed to himself a power, which he did not have to dictate to the Judiciary what should happen with respect to its buildings, its votes and its travels. These things are no longer done. We could assist the Judiciary in relation to the bureaucratic strangleholds, but we could do no more than that, and that is by the Judiciary's own promptings.

Mr. Speaker, with those few words, I beg to move. [*Desk thumping*]

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in committee.*

*Clauses 1 to 9 ordered to stand part of the Bill.*

*Schedule 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.*

#### **MEDIATION (NO. 2) BILL**

*Order for second reading read.*

**The Attorney General (Sen. The Hon. John Jeremie):** Mr. Speaker, I beg to move,

That a Bill to provide for mediation in Trinidad and Tobago be now read a second time.

*Question proposed.*



*Mediation (No. 2) Bill*

*Friday, January 16, 2004*

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in committee.*

*Clauses 1 to 8 ordered to stand part of the Bill.*

*Clause 9.*

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

**Sen. Jeremie:** Mr. Chairman, I beg to move that clause 9 be amended as follows:

Insert “the Tobago House of Assembly” after the Environmental Commission and before the Ministry to which responsibility for community mediation is assigned.

**Mr. Singh:** Mr. Chairman, through you, are you pointing to the Tobago House of Assembly?

**Sen. Jeremie:** Yes.

**Mr. Singh:** In what capacity?

**Sen. Jeremie:** We are deeming it to be an approved mediation agency in the same way as the Tax Appeal Board or the Supreme Court of Judicature would be. So they will have registers.

*Question put and agreed to.*

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

*Clauses 10 to 19 ordered to stand part of the Bill.*

*First, Second, Third and Fourth Schedules ordered to stand part of the Bill.*

*Clause 8 recommitted.*

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

**Sen. Jeremie:** Mr. Chairman, there is an addition after the word “programmes” in clause 8(2). The addition should read “in a part reserved for such programmes with limited recognition.”

*Question put and agreed to.*

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

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

*House resumed.*

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

*Adjournment*

*Friday, January 16, 2004*

**ADJOURNMENT**

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Speaker, before moving the adjournment of the House, I wish to inform the House that the Government intends to debate the Bill which was introduced today, on Wednesday at 1.30 p.m. and, of course, we would have to use section 48 of the Standing Orders for that purpose. In addition, the Government intends to have the Finance Committee Meeting on Wednesday morning at 10.00 a.m. and on Friday we would do the report from the Finance Committee Meeting.

Mr. Speaker, in discussion with the Opposition Chief Whip, we have agreed that Friday, which would ordinarily be Private Members' Day, we would use it for Government Business, and Private Members' Day would be taken on January 30, 2003. I think we are in agreement with that.

Mr. Speaker, I beg to move that this House be now adjourned to Wednesday, January 21, 2003 at 10.00 a.m. at which time we will go into Finance Committee.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 6.23 p.m.*

**WRITTEN ANSWERS TO QUESTIONS**

*The following question was asked by Mrs. Kamla Persad-Bissessar (Siparia):*

**Award of Contracts  
(Airports Authority)**

**16.** Would the hon. Minister of Works and Transport state:

- (a) The names of the persons and/or companies who were awarded contracts for the supply of goods and/or services to the Airports Authority since January 01, 2002;
- (b) In the case of companies, the names of the directors of each company;
- (c) The nature of goods and/or services supplied and/or to be supplied by each person and/or company;
- (g) The cost of each contract;
- (h) Whether tenders were invited for the contracts awarded and if so, the bid made by each tenderer;
- (i) The procedure and criteria used to award each contract?

Written Answers to Questions

Friday, January 16, 2004

The following reply was circulated to Members of the House.

**Listing of Contracts awarded by Tenders Committee June 2002 to June 2003**

Period Awarded	Name of Awardee	Directors Listing	Nature of Goods	Cost of Contract	Method of Tendering	Criteria to award	Bids by all Tenderers	
							Name of Tenderer	Amount of Bid
Aug-02	Aegis Business Solutions	Angela Lee Loy	Accounting Services-to complete 2001 audit work	\$78,330.00	Selective	Evaluated in-house awarded on basis of Cost and Duration	Pannell Kerr Forster	No Bid
		Seannus Clarke					\$145,750	
		LM Abrose						
		JA Skinner					No Bid	
Aug-02	Dannus Roofing System	Russel Sampath	New Terminal Building - Metal Panel Ceiling to External ceiling	\$197,630.95 VAT Incl	Selective	Evaluated by Project	Dannus Roofing Systems	\$197,630.95 VAT Incl
		Kenneth Mahabir					No Bid	
		Errol Mahabir						
		Stuart Mahabir						
		Dwight Mahabir						
		Michael Charles						
		Kathy Ann Mahabir						
		Ken Oliver						
Aug-02	Trinsulate Limited	Ian Fernandes	OCNU-North Terminal Office Build Out-Structural	\$385,236.00 VAT Excl	Selective List provided by Project	Evaluated by Project	Syne's Contracting & Industries Limited	\$499,552.00 VAT Excl
		Jack Tillary					Multi Built Construction & Maintenance Company	\$263,404.00 VAT Excl

Period Awarded	Name of Awardee	Directors Listing	Nature of Goods	Cost of Contract	Method of Tendering	Criteria to award	Bids by all Tenderers	
							Name of Tenderer	Amount of Bid
		Lisa Marie Fernandes			Management Unit		Trinsulate Limited	\$385,236.00 VAT Excl
		Neil Jones					Rudra General Contractors	\$435,000.00 VAT Excl
Aug-02	Trintokil Limited	unavailable at time of printing	This contract had initially been entered into by NIPDEC for Pest Control Services-the Authority agreed to continue the contract for the remaining 21 months	\$304,500.00 VAT Excl	Tender had previously been done and awarded by NIPDEC before Project handover	Renegotiation of original terms	Trintokil Limited	\$304,500.00 VAT Excl
Sep-02	Automatic Doors Limited	Richard Eckel Leslie Dookie	Commissioning of North Side-Car Park Equipment	\$97,882.00 VAT Incl	Sole Tender  Pre-existing equipment purchased for this area under Development Project	Sole Tender	Automatic Doors Limited	\$97,882.00 VAT Incl
Sep-02	NIPDEC	unavailable at time of printing	Labour Contract - to supply Labour for staffing of North Terminal Car Park- 3 month duration	\$92,900.00 VAT Excl	The Authority was about to begin management of the Car Park in-house and required staff at short notice	Sole Tender	NIPDEC	\$92,900.00 VAT Excl
Nov-02	Plumbing Design &	J Cedeno	OCNU-Office Build Out-Plumbing	\$37,435.00 VAT Excl	Supplier provided by	Recommended by	Plumbing Design & Installation Limited	\$37,435.00 VAT Excl

Period Awarded	Name of Awardee	Directors Listing	Nature of Goods	Cost of Contract	Method of Tendering	Criteria to award	Bids by all Tenderers	
							Name of Tenderer	Amount of Bid
	Installations Limited	T Nurse			Project Management Unit	Project Management Unit	In House Estimate	\$37,435.00 VAT Excl
Dec-02	Quantum Possibilities Limited	Carol Carvalho	Adventures in Attitudes - Training	\$60,000.00 VAT Excl	Sole Tender was recommended by Human Resources as the most appropriate and cost effective option available on the market.	Awarded on basis of Human Resources' recommendation	Quantum Possibilities Limited	\$60,000.00 VAT Excl
Feb-03	Cool Connection Limited	Myron Cox	OCNU-Office Build Out-Air Conditioning	\$13,199.35 VAT Excl	Selective List provided by Project Management Unit	Evaluated by Project Management Unit	Cool Connections Ltd.	\$13,199.35 VAT Excl
		Frank Hosten					Servair Limited	\$22,500.00 VAT Excl
Mar-03	NIPDEC	unavailable at time of printing	Expansion of North Side Car Park	\$3,500,000.00 VAT Incl	Sole Supplier	Awarded by Board	NIPDEC	TTD 3,500,000.00
			Traffic Research and Reconfiguration Proposals	\$17,300.00 VAT Excl.				

Please note that additional Funding of TTD 400,000.00 was approved by the Board of Directors in September 2003

*Written Answers to Questions*

*Friday, January 16, 2004*

Period Awarded	Name of Awardee	Directors Listing	Nature of Goods	Cost of Contract	Method of Tendering	Criteria to award	Bids by all Tenderers				
							Name of Tenderer	Amount of Bid			
May-03	Automatic Doors Limited	Richard Eckel	Maintenance of North Side -Car Park Equipment duration of 3 years	\$301,392.00 VAT Excl	Sole Supplier	Sole Supplier of the equipment	Automatic Doors Limited	\$301,392.00 VAT Excl			
		Leslie Dookie									
May-03	Association of Caribbean States	unavailable at time of printing	Advertisement in ACS Magazine for year 2003	\$40,000.00 VAT Excl	Sole Supplier	Trade Publication	Association of Caribbean States	\$40,000.00 VAT Excl			
May-03	Waterbridge Limited	Martin Serrao	Purchase of X Ray Screening Equipment- Crown Point	\$570,000.00 each	Sole Supplier of Rapiscan	Sole Supplier of the equipment	Waterbridge Limited	\$570,000.00 each			
									For urgent purchase of three units on a phased basis	(1 unit)	(1 unit)
									Emergency decision taken by GM(Ag) and ratified by Tenders Committee	\$285,455.00 each-	Scanner for )
Jul-03	Aubrey Armstrong	unavailable at time of printing	Strategic Planning workshop - Airports Authority	\$113,400.00 VAT Excl	Sole Supplier	Recommended Supplier	Aubrey Armstrong	\$113,400.00 VAT Excl			
									Staff was ratified by Finance & Tenders Committee		
									Approval granted by Management Tenders Committee		
Jul-02	Joseph Henry		Engineering Consultancy Services	15-July-02 to 14-Jan-03 \$ 90,000.00							
Jan-03	Ishwar Ramsaran		Stage Construction (Fabrication) - Labour Only	\$5,500.00							

							Bids by all Tenderers	
Period Awarded	Name of Awardee	Directors Listing	Nature of Goods	Cost of Contract	Method of Tendering	Criteria to award	Name of Tenderer	Amount of Bid
Mar-03	Lester Jemmott		Health and Safety Environmental Support Services	Safety, Health and Environmental Services \$25,000.00 Apron/Ramp Control Tower & Fire Suppression System not exceeding \$10,000.00	activities			
Jul-03	Trintokil Limited		Pest Control Services at Old Airport Compound	\$32,000.00				
Aug-03	Innovative Security Technologies		Security Services	Month to month				

Period Awarded	Name of Awardee	Directors Listing	Nature of Goods	Cost of Contract	Method of Tendering	Criteria to award	Bids by all Tenderers	
							Name of Tenderer	Amount of Bid
				TT\$18,00/hour VAT Exclusive				

*The following question was asked by Dr. Roodal Moonilal(Oropouche):*

**HYPE Programme  
(Details of)**

29. (a) Could the hon. Minister of Social Development and Gender Affairs present to this House a full listing of the names of the 450 persons who graduated from the HYPE Programme on Sunday, May 04, 2003?
- (b) Could the Minister also give a breakdown of the address by region of each graduate and his/her place of work?

*The following reply was circulated to Members of the House:*

**The Minister of Social Development and Gender Affairs (Sen. The Hon. Mustapha Abdul-Hamid:** I wish to advise that Four Hundred and Forty persons (440) graduated from the Helping You Prepare for Employment (HYPE) Programme, on Sunday May 4, 2003. A list of the successful graduates together with a breakdown of addresses by region of each graduate and place of work, where available, is attached.

#	Surname	First Name	Zone	Company
1	Aberdeen	Michael	Sangre Grande	HYPE Construction Services Limited
2	Abraham	Elvis	Diego Martin	HYPE Construction Services Limited
3	Adams	Emmanuel	D'Abadie	
4	Alexis	Kerry-Ann	Toco	



#	Surname	First Name	Zone	Company
5	Aii	Anthony		
6	Aii	Ryan	San Juan	Langton Enterprises Limited
7	Aii	Sushilla	Tunapuna	
8	Allert	Anthony	Couva	HYPE Construction Services Limited
9	Alleynes	Amandi	Tunapuna	HYPE Construction Services Limited
10	Alleynes	Fitzberth	Port-of-Spain	Trinidad & Tobago Defence Force
11	Alleynes	Giselle	St. Joseph	
12	Alleynes	Kirt	Morvant	Premier Welding & Fabricating Company
13	Alleynes	Ray	Couva	
14	Allum	Sheldon	San Fernando	HYPE Construction Services Limited
15	Almandoz	Edson	St. Joseph	Forward Movement
16	Alvarez	Miguel		
17	Ameeralli	Ariel	Tunapuna	HYPE Construction Services Limited
18	Andrews	Natasha	Cunupia	NHA
19	Anthony	Andrew	Arima	HYPE Construction Services Limited
20	Antoine	Keron	Barataria	Quality Roofing Limited
21	Antoine	Reuben	Morvant	Premier Welding & Fabricating Company
22	Antoine	Ricardo	Morvant	HYPE Construction Services Limited
23	Arraud	Ayana	D'Abadie	HYPE Construction Services Limited
24	Augustine	Jerome	Sangre Grande	
25	Augustine	Tricia	Sangre Grande	HYPE Construction Services Limited

#	Surname	First Name	Zone	Company
26	Augustus	Ernest	Laventille	Electrical Contractor
27	Augustus	Nicholas	Sangre Grande	HYPE Construction Services Limited
28	Austin	David	Laventille	
29	Babwah	Jason	Arima	
30	Bacchus	Keilon	Manzanilla	HYPE Construction Services Limited
31	Baird	Laura	D'Abadie	HYPE Construction Services Limited
32	Baird	Mc Queda	Morvant	
33	Balfour	Keston	Laventille	Self-Employed Tile Laying
34	Bancroft	Brent	Chaguanas	HYPE Construction Services Limited
35	Baptiste	Arlene	Arima	
36	Baptiste	Krissann	Manzanilla	
37	Baptiste	Travis	St. Joseph	
38	Barrington	Anthony	Santa Cruz	
39	Bartholomew	Av-Vienetta	St. Joseph	HYPE Construction Services Limited
40	Beckles	Avril	Belmont	Forward Movement
41	Bedeau	David	La Horquetta	HYPE Construction Services Limited
42	Beekley	Kezel	Manzanilla	
43	Beguesse	Fitzpatrick	Morvant	Metal Industries Company Limited
44	Beguesse	Jernaine	Morvant	Working with a Mason
45	Beharry	Marcel	D'Abadie	Trinidad & Tobago Fire Services
46	Belfon	Wade	D'Abadie	

#	Surname	First Name	Zone	Company
47	Benjamin	Anderson	Arima	HYPE Construction Services Limited
48	Benjamin	Clinton	Trincity	Service Limited
49	Benjamin	Orlando	San Fernando	
50	Benjamin	Vilma	St. Joseph	
51	Bernard	Kristuff	D'Abadie	HYPE Construction Services Limited
52	Bernard	Richard	Arima	
53	Bertrand	Darwin	Valencia	Wilfred Redhead Construction Company
54	Bertrand	Kevin	Morvant	Bertrand's Woodworking
55	Betancourt	Marlon	Barataria	
56	Betaudier	Omar	Valsayn South	HYPE Training Center
57	Bobb	Quint	Marabella	
58	Bocage	Jon	Sangre Grande	HYPE Construction Services Limited
59	Boosooboy	Kylie	Arouca	
60	Bosland	Kerwin	Brazil	HYPE Construction Services Limited
61	Bosland	Keston	Brazil	HYPE Construction Services Limited
62	Boxhill	Aaron	Tunapuna	
63	Braithwaite	Joel	Tunapuna	
64	Braithwaite	Christian	Valencia	
65	Braithwaite	Toney	Sangre Grande	
66	Briggs	Keftng		
67	Brisbane	Ian	Champ Fleurs	HYPE Construction Services Limited

#	Surname	First Name	Zone	Company
68	Bristol	Junior	Belmont	
69	Brown	Kirby	Sangre Grande	HYPE Construction Services Limited
70	Brown	Mikeshia		
71	Brown	Ndale	Manzanilla	Construction Site
72	Bruce	Michael	Arouca	HYPE Construction Services Limited
73	Bullock	Jason	Arima	HYPE Construction Services Limited
74	Burke	Johann	Arouca	HYPE Construction Services Limited
75	Burke	Steve	Trincity	HYPE Construction Services Limited
76	Cadz	Nyoka	Carenage	
77	Cain	Jayon	D'Abadie	UDeCOTT Project
78	Campbell	Christal	Laventille	HYPE Construction Services Limited
79	Campbell	Lisa	Laventille	HYPE Construction Services Limited
80	Campbell	Ray	San Juan	
81	Capriatta	Peter	Morvant	HYPE Construction Services Limited
82	Cardinal	Estan	Vistabella	HYPE Construction Services Limited
83	Carter	David	Arima	HYPE Construction Services Limited
84	Caruth	Adrian	Diego Martin	
85	Cesar	Gerald	Arima	
86	Cesar	Giselle	D'Abadie	HYPE Construction Services Limited
87	Celestine	Kevon	Arima	
88	Charles	Adrian	Marabella	

#	Surname	First Name	Zone	Company
89	Charles	Alvis	Valencia	Private Contractor
90	Charles	Keron	Trincity	
91	Charles	Negus		
92	Chuneesingh	Yohann	Arima	
93	Chunesingh	Vaughn	Arima	
94	Cipriani	Michael	Santa Cruz	
95	Clarke	Akil	Arouca	
96	Clarke	Dennis	La Romaine	
97	Clarke	Gabre	San Fernando	
98	Clarke	Kegan	San Juan	HYPE Construction Services Limited
99	Clement	Shurland	Arima	Forward Movement
100	Coa	Evelyn	Chaguamas	HYPE Construction Services Limited
101	Cooke	Kevin	Valencia	
102	Cox	Keston	San Fernando	Joseph Caddle & Mooodoo Limited
103	Craig	Elizabeth	Laventille	Forward Movement
104	Crichlow	Cheri-Ann	Marabella	Metal Industries Company Limited
105	Cronney	Yolando	Morvant	HYPE Construction Services Limited
106	Crooks	Kevon	D'Abadie	HYPE Construction Services Limited
107	Cross	Dane	El Socorro	Premier Welding & Fabricating Company
108	Cross	Rachel	Laventille	
109	Cuthbert	Victor	Siparia	HYPE Construction Services Limited

#	Surname	First Name	Zone	Company
110	Daly	Anthony	San Fernando	
111	Dan Clair	Damien	D'Abadie	HYPE Construction Services Limited
112	Daniel	Joel	D'Abadie	HYPE Construction Services Limited
113	Daniel	Victor	Sangre Grande	HYPE Construction Services Limited
114	Dass	Kyle	Mayaro	Metal Industries Company Limited
115	David	Leon	Tunapuna	Forward Movement
116	De' Abreau	Andre	San Fernando	
117	De Four	Roxanne	Talparo	
118	De Gannes	Djovan	La Horquetta	HYPE Construction Services Limited
119	De Luge	Edrick	Sangre Grande	
120	Delves	Makeda	San Fernando	HYPE Construction Services Limited
121	Deosaran	Calvin	St. Augustine	
122	Des Vignes	Sacha	Arima	
123	Des Vignes	Shermille	Arima	HYPE Construction Services Limited
124	Devenish	Carolyn		
125	Dillon	Natalie	Barataria	
126	Dolloway	Marlon	Tunapuna	HYPE Construction Services Limited
127	Douglas	Dwayne	Port-of-Spain	Premier Fabrication & Construction Limited
128	Dowdy	Devon	Maraval	HYPE Construction Services Limited
129	Downes	Ricardo	Morvant	HYPE Construction Services Limited
130	Dowrich	Leon	San Fernando	HYPE Construction Services Limited

#	Surname	First Name	Zone	Company
131	Dryce	Al	Diego Martin	
132	Edmund	Lessel	Arouca	HYPE Construction Services Limited
133	Edwards	Carlton	Port-of-Spain	HYPE Construction Services Limited
134	Edwards	Selwyn	Champ Fleurs	
135	Edwards	Troy	Curepe	United Metal Works
136	Esdelle	Sheldon	La Romaine	
137	Eudovique	Earl	Arima	
138	Farrell	Tichell	Valencia	
139	Ferret	Kwesi		
140	Fevock	Brian	Arouca	
141	Ford	Stephen	San Juan	HYPE Construction Services Limited
142	Forde	Allan	Laventille	Payless Shoe Source
143	Forde	Garvin	Morvant	HYPE Construction Services Limited
144	Forestine	David	Valencia	
145	Foster	Mark	Port-of-Spain	HYPE Construction Services Limited
146	Francis	Dale	Marabella	
147	Francis	Jonathan	Valencia	
148	Fraser	Onika	Champ Fleurs	HYPE Construction Services Limited
149	Frederick	Neil	Belmont	
150	Frederick	Trimmel	Belmont	
151	Gajadhar	Fushia	Arima	HYPE Construction Services Limited

#	Surname	First Name	Zone	Company
152	Garcia	Shawn	San Juan	
153	Garraway	Joel	D'Abadie	HYPE Training Center
154	Gaspard	Jackie	San Juan	
155	Gaulteau	Keston	Sangre Grande	HYPE Construction Services Limited
156	Gibson	Wendell	D'Abadie	
157	Glasgow	Nekeiva	Carenage	Wilfred Redhead Construction Company
158	Gomez	Nijm	Port-of-Spain	HYPE Construction Services Limited
159	Gonzales	Kernel	Sangre Grande	
160	Gopee	Lincoln	Arima	
161	Granger	Prince	Couva	HYPE Construction Services Limited
162	Grant	Arthur	Upper Santa Cruz	HYPE Construction Services Limited
163	Grant	Clint	Upper Santa Cruz	
164	Grappie	Kendell	Santa Cruz	Home Construction Limited
165	Greaves	Phillip		
166	Greene	Kareem	Tunapuna	HYPE Construction Services Limited
167	Guadeloupe	Keston	Chaguuanas	HYPE Construction Services Limited
168	Guevara	Shawn	Chaguuanas	HYPE Construction Services Limited
169	Guiseppi	Devon	Chaguuanas	Global Telecom
170	Guy	Neisha		
171	Hague	Trevon		
172	Harewood	Handell	Belmont	Trinidad & Tobago Police Service



#	Surname	First Name	Zone	Company
173	Harewood	Joel	Morvant	HYPE Construction Services Limited
174	Harrlal	Reeas		
175	Harrison	Kim		
176	Harry	Chantelle	Morvant	HYPE Construction Services Limited
177	Henry	Dwight		
178	Henry	Jason		
179	Henry	Ryan		
180	Henry	Sherlon		
181	Herbert	Dayo	St. Augustine	
182	Hernandez	Kizzy	Valencia	HYPE Construction Services Limited
183	Hinds	Shakir		
184	Holder-Mc Quilkin	Julia	Valencia	
185	Holford	Jon		
186	Howe	Junior	Valencia	HYPE Construction Services Limited
187	Huggins	John		
188	Huggins	Kurt		
189	Hunte	Matthew	La Horquetta	HYPE Construction Services Limited
190	Hunte	Michael	La Horquetta	NP Quik Shoppe
191	Ifill	Yohan	Port-of-Spain	HYPE Construction Services Limited
192	Inniss	Warren	Trincity	HYPE Construction Services Limited
193	Jack	Trenton	Sangre Grande	HYPE Construction Services Limited

#	Surname	First Name	Zone	Company
194	Jackman	Kimario	San Raphael	HYPE Construction Services Limited
195	Jackson	Brent		
196	Jaipaul	Rishi	Claxton Bay	Home Improvement Welders
197	James	Adanna		
198	James	Ancil		
199	James	Anderson	Arima	HYPE Construction Services Limited
200	James	Damain	San Fernando	
201	James	Jael	San Fernando	HYPE Construction Services Limited
202	James	Kerry	Sangre Grande	HYPE Construction Services Limited
203	James	Khordel	Arima	HYPE Construction Services Limited
204	Jeffrey	Gideon	Maloney	Metal Industries Company Limited
205	John	Donna	St. Joseph	HYPE Construction Services Limited
206	John	Jason	Santa Cruz	HYPE Construction Services Limited
207	Johnson	Arishem	Sangre Grande	HYPE Construction Services Limited
208	Johnson	Erskine	Barataria	HYPE Construction Services Limited
209	Jones	Nerkida		
210	Joseph	Aaron	California	HYPE Construction Services Limited
211	Joseph	Arnold	St. Joseph	J K Callendar & Associates
212	Joseph	Noel	D'Abadie	Self-employed
213	Joseph	Sabrina		
214	Joseph	Shervonne	San Fernando	

*Written Answers to Questions**Friday, January 16, 2004*

#	Surname	First Name	Zone	Company
215	Julien	Rowena	Tunapuna	HYPE Construction Services Limited
216	Julien	Simba	Chaguanas	HYPE Construction Services Limited
217	Juman	Anel		
218	Kennedy	Kerwin		
219	Khan	Paul	Valencia	Wilfred Redhead Construction Company
220	Kinsale	Kimesha	Diego Martin	HYPE Construction Services Limited
221	Kinsale	Sonia	Diego Martin	HYPE Construction Services Limited
222	La Croix	Callistus	Toco	HYPE Construction Services Limited
223	Laidlow	Akil		
224	Lamb	Joseph	Sangre Grande	HYPE Construction Services Limited
225	Lambert	Lisicoy		
226	Lamy	Aaron		
227	Lander	Christopher		
228	Lange	Krystal	Couva North	HYPE Construction Services Limited
229	Lares	Shawn		HYPE Construction Services Limited
230	Lawrence	Marcus		
231	Lee Quay	Nicholas	Arima	HYPE Construction Services Limited
232	Lewis	Corey	Valencia	HYPE Construction Services Limited
233	Lewis	Curtis	Arima	HYPE Construction Services Limited
234	Lewis	Lennon		
235	Lewis	Wayne	San Fernando	HYPE Construction Services Limited

#	Surname	First Name	Zone	Company
236	Lezama	Marvin		
237	Liverpool	Hyron	Arouca	Industrial Electrical Motor & Armature Repairs
238	London	Judy-Ann	Laventille	Arima Electrical Supplies
239	Lopez	Kennedy	Arima	HYPE Construction Services Limited
240	Louis	Nigel	Tacarigua	UDeCOTT Project
241	Lovell	Lawrence	San Fernando	Weldfab Limited
242	Lucas	Joel		
243	Lynch	Clive	Arouca	HYPE Construction Services Limited
244	Lyons	Lydia	Sangre Grande	HYPE Construction Services Limited
245	Mahabir	Sunil	Champ Fleurs	Metal Industries Company Limited
246	Malcolm	Jahnoi	Petit Bourg	HYPE Construction Services Limited
247	Marcano	Devon		
248	Mariadsingh	Marlon	Marabella	HYPE Construction Services Limited
249	Mark	Andre	Sangre Grande	
250	Marryshow	Joel	Marabella	HYPE Construction Services Limited
251	Marryshow	Makesi	Marabella	HYPE Construction Services Limited
252	Marshall	Daniel	Santa Cruz	HYPE Construction Services Limited
253	Martin	Ann Marie		
254	Martin	Judah	Morvant	Forward Movement
255	Martinez	Shervon		
256	Mascall	Kevon	Chaguanas	HYPE Construction Services Limited

#	Surname	First Name	Zone	Company
257	Mathews	Farah		
258	Maxime	Nicole	Sangre Grande	
259	Maynard	Steven	Arima	Forward Movement
260	Mc Clatchie	Kevin		
261	Mc Intosh	Nicole	San Fernando	HYPE Construction Services Limited
262	Mc Lean	Ryan		
263	Mierez	Keron	Tunapuna	CEPEP
264	Mills	Ciji	Cumuto	UDeCOTT Project
265	Mitchell	Charlene	Matura	HYPE Construction Services Limited
266	Mitchell	Rhonda		
267	Mitchell	Sharlon	Princes Town	
268	Mohammed	Clint		
269	Mohammed	Ishneed		
270	Mohammed	Kevin		
271	Mohammed	Kevin	California	HYPE Construction Services Limited
272	Mohammed	Suzette	Caroni	HYPE Construction Services Limited
273	Monroe	Ronnie		
274	Montes	Piankhy	D'Abadie	HYPE Construction Services Limited
275	Moonlial	Mark	Cunupia	
276	Morgan	Deosaran	Aranguez	
277	Morris	Ed		

#	Surname	First Name	Zone	Company
278	Morris	Lisa		
279	Morris	Sparkle		
280	Morton	Akeem	Chaguanas	HYPE Construction Services Limited
281	Moses	Sabrina		
282	Muhammad	Yuhanna Abdullah		
283	Muhammed	Yuhanna		
284	Murray	Brian	Toco	Heller Security Services
285	Murray	Cleston	Curepe	HYPE Construction Services Limited
286	Murray	Trisha	Toco	HYPE Construction Services Limited
287	Naipaul	Dwayne		
288	Nandalal	Avinash		
289	Nandalal	Vishal		
290	Narine	Adrian		
291	Nath	Arlene		
292	Navarro	Amber	Sangre Grande	
293	Nelson	Mikel	Sangre Grande	HYPE Construction Services Limited
294	Noel	Anthony	Arouca	HYPE Construction Services Limited
295	Noreiga	Randy	Arima	HYPE Construction Services Limited
296	Norville	Christopher		
297	Norville	Hector	Arouca	HYPE Construction Services Limited
298	Norville	Meagel		

#	Surname	First Name	Zone	Company
299	O'Brian	Khelan	Maraval	HYPE Construction Services Limited
300	O'Brien	Curlene	Arima	HYPE Construction Services Limited
301	Oliver	Lyndon	Tunapuna	HYPE Construction Services Limited
302	Orosco	Kervin	Sangre Grande	HYPE Training Center
303	Orr	Keron	San Juan	Choofoo's Hardware
304	Otway	Allan		
305	Patino	Raphael	Tunapuna	HYPE Construction Services Limited
306	Patrick	Joycelyn	Valencia	HYPE Construction Services Limited
307	Patron	Alston	Cumuto	
308	Percy	Terry	San Fernando	HYPE Construction Services Limited
309	Pereira	Kashef		
310	Peters	Jillian	St. Joseph	HYPE Construction Services Limited
311	Peters	Kevin	San Juan	HYPE Construction Services Limited
312	Peters	Racquel		
313	Peters	Rennick		
314	Phillip	Clevelyn	St. Joseph	Diana Industrial Limited
315	Phillip	Dwayne	Tacarigua	
316	Phillip	Glendon	Oropuche	HYPE Construction Services Limited
317	Phillip	Keron	San Fernando	
318	Phillip	Kerwin	Morvant	HYPE Construction Services Limited
319	Pierre	Brent		

#	Surname	First Name	Zone	Company
320	Pierre	Temesha		
321	Pile	Dionne		
322	Porter	David	Port-of-Spain	HYPE Construction Services Limited
323	Prince	Kyle	Tunapuna	HYPE Construction Services Limited
324	Prude	Geremy		
325	Quamina	Steven		
326	Ramsaroop	Ramesh	Cunupia	HYPE Construction Services Limited
327	Rawlins	Kevin		HYPE Construction Services Limited
328	Ray	Kion	Claxton Bay	Metal Industries Company Limited
329	Raymond	Kyron	Mayaro	HYPE Construction Services Limited
330	Redhead-Dennis	Allan	Morvant	HYPE Construction Services Limited
331	Regis-Fortune	Joshua	Curepe	HYPE Construction Services Limited
332	Rennie	Collin		
333	Reyes	Curtis		
334	Rice	Reynold	Trincity	HYPE Construction Services Limited
335	Richards	Anton	Carapichaima	HYPE Construction Services Limited
336	Richards	Conrad		
337	Richards	Jeremy		
338	Richards	Jerome	Arouca	The Roof Crew
339	Richardson	Rondell		
340	Rickson	Lyndon	D'Abadie	HYPE Construction Services Limited



#	Surname	First Name	Zone	Company
341	Riley	Roger	San Juan	Metal Industries Company Limited
342	Roberts	Ancil	Arouca	HYPE Construction Services Limited
343	Roberts	Natasha	San Fernando	
344	Roberts	Shamun	Tunapuna	
345	Robertson	Camille		
346	Robertson	Kevin	Belmont	HYPE Construction Services Limited
347	Robinson	Akel		
348	Rodney	Randall	Arima	Quality Cash & Carry Limited
349	Rodriguez	Runako	D'Abadie	
350	Roome	Darren		
351	Rudder	Richard		
352	Ryan	Quincy		HYPE Construction Services Limited
353	Samal	Kris	St. Augustine	
354	Sammy	Robert		
355	Samuel	Keisha	Sangre Grande	HYPE Construction Services Limited
356	Samuel	Stefon		HYPE Construction Services Limited
357	Sanchez	Kevin	Guaioco	HYPE Construction Services Limited
358	Santana	Anicia	Trincity	HYPE Construction Services Limited
359	Saunders	Warren		
360	Sayers	Mark	Morvant	The Roof Crew
361	Scantlebury	Allister	St. James	

#	Surname	First Name	Zone	Company
362	Scantlebury	Darcel	Tunapuna	HYPE Construction Services Limited
363	Scott	Akini		
364	Scott	Anderson		
365	Sealey	Keiron	St. James	The Roof Crew
366	Seals	Elizer		
367	Selvon	Kwame		
368	Seraint	Darrell	Morvant	HYPE Construction Services Limited
369	Serrette	Julien		
370	Sewraj	Rishi	San Juan	Private Job - Home Construction
371	Shallow	Al	Port-of-Spain	UDeCOTT Project
372	Sharpe	Tresor		
373	Simon	Joel	Five Rivers	HYPE Construction Services Limited
374	Singh	Ravi		
375	Skinner	Collin		
376	Smith	Kyle	Tunapuna	
377	Smith	Vaughn		
378	Solomon	Shorn	San Juan	Complete Technology Solutions
379	Sookhoo	Ranadin	Sangre Grande	HYPE Construction Services Limited
380	Sorzano	Reynold	Sangre Grande	HYPE Construction Services Limited
381	Spencer	Kyrle	Tacainigua	HYPE Construction Services Limited
382	Squires	Daniel	Cunupia	Ramzan Ali Contracting

#	Surname	First Name	Zone	Company
383	St Louis	Akkenyton		
384	Stanislaus	Andre	D'Abadie	Metal Industries Company Limited
385	Stanislaus	Francis	Barataria	HYPE Construction Services Limited
386	Sterling	Rouse		
387	Stewart	Alicia		
388	Stowe	Tracy	Manzanilla	HYPE Construction Services Limited
389	Straker	Andy	San Juan	HYPE Construction Services Limited
390	Subran	Christopher	Tunapuna	HYPE Construction Services Limited
391	Superville	Maurice	D'Abadie	Wilfred Redhead Construction Company
392	Sutherland	Andell		
393	Sylvester	Damerson	San Fernando	HYPE Construction Services Limited
394	Sylvester	Hamid		
395	Sylvester	Marlon		
396	Tannis	Avianne	Champ Fleurs	Trinidad & Tobago Coast Guard
397	Tannis	Keisha		HYPE Construction Services Limited
398	Tannis	Ricardo		HYPE Construction Services Limited
399	Tavares	Ayana	D'Abadie	HYPE Training Center
400	Taylor	Ryan		
401	Thompson	Arienne	Valsayn	Domestic Work
402	Thompson	Jason		
403	Tidd	Brent		

#	Surname	First Name	Zone	Company
404	Tissoo	Nisha	Tabaquite	HYPE Construction Services Limited
405	Tuitt	Francisco		
406	Tuitt	Sherwin	San Fernando	HYPE Construction Services Limited
407	Tull	Gregory	Tunapuna	HYPE Construction Services Limited
408	Tull	Jemima	Tunapuna	HYPE Construction Services Limited
409	Valentine	Kevin	Laventille	HYPE Construction Services Limited
410	Vallenilla	Nechelle	Port-of-Spain	
411	Vasquez	Kevin		
412	Vialmosa	Wendell		
413	Villafana	Hayden	St. Joseph	HYPE Construction Services Limited
414	Villafana	John	Sangre Grande	HYPE Construction Services Limited
415	Waihe	Marvin		
416	Walcott	Kevin	St. Augustine	HYPE Construction Services Limited
417	Waldron	Ishmael	Santa Cruz	Metal Industries Company Limited
418	Walker	Anissa		HYPE Construction Services Limited
419	Walker-La Croix	Nigel		
420	Wayne	Robert		
421	Weekes	Declan		
422	Wharton	Samuel		
423	Whiteman	Collette		
424	Williams	Ainsley		

#	Surname	First Name	Zone	Company
425	Williams	Hayden	Arima	
426	Williams	Marcus	D'Abadie	
427	Williams	Michael	Trincity	Trinidad Asphalt & Metal Roofing
428	Williams	Nicholas		
429	Williams	Nicole		HYPE Construction Services Limited
430	Williams	Wesley		
431	Willoughby	Daryl	Chaguanas	HYPE Training Center
432	Wilson	Akilah	Sangre Grande	HYPE Construction Services Limited
433	Wilson	Ana	D'Abadie	
434	Wilson	Mark Albert		
435	Wilson	Reagan		
436	Wiltshire	Kurt	La Horquetta	Lange Ballast Contractors
437	Woods	Nicholas		
438	Woodsley	Sebastian		
439	Young	Damion	Valencia	Wilfred Redhead Construction Company
440	Young	Justin		

The second criticism, which was addressed with respect to the composition of the board again, was in relation to the jobs for the boys argument. Again I prefer to rephrase. It is interesting to compare what we have done with what existed previously. In the Community Mediation Act of 1998, all that was required under sections 16 and 17 of that Act was for the minister to fix by decree, which were community mediation centres and the minister, was empowered to make

regulations for the accreditation which was sufficient to enable persons to function as mediators. I think what we have done in terms of the establishment of a board is more transparent. I think that would bear scrutiny. It certainly bore scrutiny in the other place and I wish to recommend it as a measure to insulate politicians from the process.