

Leave of Absence

Friday, February 15, 2008

HOUSE OF REPRESENTATIVES

Friday, February 15, 2008

The House met at 1.30 p.m.

PRAYERS

[MADAM DEPUTY SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Madam Deputy Speaker: Hon. Members, I have received communication on behalf of the Member for Oropouche West (Miss Mickela Panday) requesting leave of absence from today's sitting of the House; I have also received communication from the Member for Chaguanas West (Mr. Jack Warner) requesting leave of absence from today's sitting of the House. The leave which the Members seek is granted.

CONDOLENCES

Mr. Keith Sobion

Dr. Wilbert Winchester

Madam Deputy Speaker: Hon. Members, as you are aware, we have had the passing of two former Members of this honourable House, Dr. Wilbert Winchester and Mr. Keith Sobion. I now invite Members of this honourable House to express their condolences.

The Minister of Works and Transport (Hon. Colm Imbert): Madam Deputy Speaker, it was with a sense of deep sorrow and sadness that we learnt of the untimely passing of Keith Sobion, former Member of Parliament for the constituency of Ortoire/Mayaro and former Attorney General and Minister of Legal Affairs.

Mr. Sobion was born in 1951 and his untimely death took place very suddenly yesterday. It would mean that at the time of his death he was very close to his 57th birthday; in fact, he was 56.

Mr. Sobion graduated from the University of the West Indies with an LLB in 1973 and obtained his legal education certificate from the Hugh Wooding Law School in 1975. During the course of his legal career, he was a tutor and course director at the Hugh Wooding Law School and also a member of the Council of Legal Education; a secretary of the Law Association of Trinidad and Tobago and Principal of the Norman Manley Law School in Kingston, Jamaica, as well as serving as an adjunct professor at the Florida Coastal School of Law.

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He was also a consultant to Caricom on the Caribbean Court of Justice. Those of you who watched the television last night would have heard the Caricom Secretary General giving some details of Mr. Sobion's involvement in promoting the Caribbean Court of Justice very recently within the last five to six years.

He was also a Vice-President of the Organization of the Commonwealth Caribbean Bar Association and former Vice-President of the Commonwealth Legal Education Association; a senior member of the Council of the Law Association of Trinidad and Tobago; a partner at J.D. Sellier and Company and he was deeply involved in constitutional matters affecting Caricom countries and the reform of justice and the administration of justice in the region. While he practised, he practised in wide areas of law, including company law, commercial law, banking, shipping, investment, arbitration, alternative dispute resolution and many other areas of the law.

Mr. Sobion was a colleague of mine and he was elected to this House on December 16, 1991 when he won the seat for the constituency of Ortoire/Mayaro. He then served with distinction as the Minister of Legal Affairs and Attorney General of the Republic of Trinidad and Tobago.

When I heard that Keith Sobion was ill, I was also told that he was improving; that his family was at his bedside; that he was speaking and that he seemed to be getting better and, therefore, it was a deep shock to me yesterday to learn that he had passed away.

On behalf of the People's National Movement, on behalf of the Government of the Republic of Trinidad and Tobago, on my own behalf, I wish to express sincere condolences to his wife and children. He will be sorely missed. From all accounts, he was a brilliant lawyer, widely respected by his peers, both in Trinidad and Tobago and in the Caribbean and, as I have said before, he served with distinction in the PNM Government of which I also had the privilege to be a part, during the 1991—1995 period.

Mrs. Kamla Persad-Bissessar (*Siparia*): Madam Deputy Speaker, we, the Members on this side, wish to also convey our condolences to the wife, children, relatives and friends of the late Mr. Keith Sobion, a former Attorney General and former Member of this Parliament.

As a practitioner of the law and as a teacher of legal studies, Mr. Sobion was, indeed, a beacon of wisdom and, if I may say, I had the privilege of being his student at the Hugh Wooding Law School. I do recall, during that stint there at the law school, Mr. Sobion as being one of the more outstanding teachers at that

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school, always willing and able. Madam Deputy Speaker, you were also in that same class and, therefore, would recall the contribution within our own time, and we take a note of his contribution as a whole to legal jurisprudence in the Caribbean.

As a former lecturer of UWI—firstly at the Hugh Wooding Law School, then at Norman Manley—he contributed to moulding legal minds of the region. It is there, I think that his legacy will live on, in his students who have now become lawyers; some have become judges; some of whom are legislators. It is through his students that that moulding that he did will shape the jurisprudence of the region and, by extension, the individual and collective societies of the region.

As a politician, I do recall Mr. Sobion as a gentleman of class at all times. We may have had our differences but, most certainly, I do recall the class and maturity he demonstrated when, in 1995, he offered me his chair when I was appointed Attorney General at that time. So I do believe as we pay tribute to Keith Sobion, we will miss him in more ways than one. As I say, to us, he was a colleague in the law; he was a colleague in the politics, but above all, Mr. Sobion was also a friend.

May his soul rest in peace.

Madam Deputy Speaker: I would also like to indicate that although Mr. Keith Stanford Sobion became an attorney-at-law his interest in politics began in his early years as a student at St. Mary's College and his experience of the social upheaval of the 1970s and the Black Power Movement. Thereafter, he found himself involved in every election between 1971 and 1986, whether as an activist for the People's National Movement or otherwise. He joined the People's National Movement in 1988, served on occasion as a Senator and, as the hon. Member for Diego Martin North/East indicated, contested the general election of 1991 where he was successfully elected as the Member for Ortoire/Mayaro.

Mr. Sobion served Trinidad and Tobago as Attorney General and Minister of Legal Affairs between 1991—1995 and during his tenure he advocated for the establishment of the Family Court. He left behind the world of politics and accepted the post of Principal to the Norman Manley Law School in Jamaica in 1996. He became the first West Indian trained lawyer to hold the post of the Principal at the law school in Mona, Jamaica.

May I now ask hon. Members to stand for a minute of silence?

The House stood.

Thank you. I would now invite this honourable House to express condolences on behalf of Mr. Wilbert Winchester.

The Minister of State in the Office of the Prime Minister (Hon. Stanford Callender): Madam Deputy Speaker, Dr. Wilbert Hilton Winchester was the Member of Parliament for Tobago East between 1971—1976. He was born on February 08, 1931 and interestingly died on February 08, 2008.

His educational background was as follows: He entered the University of Toronto to read economics and political science. He obtained a Bachelor of Arts degree in Economics. In 1962, he pursued and studied law and obtained a Bachelor of Law degree (LLB), honours. In 1964, he attended the US Guard Hall Law School for 18 months and obtained a Certificate in Legal Practice. In 1986, he attended the Hugh Wooding Law School and obtained a Certificate in Legal Education.

His professional career was also colourful: In 1950 he joined the public service. In 1964, he worked with the International Labour Office as a member of the International Legal Division, Geneva, Switzerland. In 1968, he took the position as director of the Cipriani Labour College. His political career began, as I indicated, in 1971, when he was elected Member of Parliament for Tobago East.

From July 22, 1972—July 08, 1972, he led the Trinidad and Tobago delegation for the Regional Commonwealth Parliamentary Association Conference. In March 1982, he was appointed a temporary Senator during the illness of Sen. Nathaniel Crichlow. From June 01, 1982—June 28, 1982, he was again appointed a temporary Senator during leave of absence of Sen. Nathaniel Crichlow. From September 07, 1982—September 30, 1982, he was again appointed a temporary Senator during leave of absence of Sen. Patrick Arnold. In April 06, 2002, he was nominated for Speaker of the House by the then Minister of Culture and Tourism, the hon. Eudine Job-Davis.

Other interests: In 1977, he established a management consultancy firm of W.W. Micron Limited. In 1980, he was elected chairman of GTM Insurance Company Limited, now called Mega Insurance; owner of Wilbert H. Winchester and Company, law firm.

We, on this side, wish to extend to the relatives and friends and extend on behalf of the people of Tobago, our deepest sympathy on his passing.

May his soul rest in peace.

1.45 p.m.

Madam Deputy Speaker: I now invite the Member for Fyzabad.

Mr. Chandresh Sharma (Fyzabad): Madam Deputy Speaker, it must be worrying to us that none of us was here during his stay in this House. It will be important also for us to focus for a short moment on his life and for what he stood. We have heard from the other side of his achievements both at the academic level and the parliamentary period.

I came to know Dr. Winchester during my stay in the insurance industry. He was a man who was committed to the upkeep of values and was involved very much in family life. He had a large network of friends and family. A few months ago, I met him and something disturbed him. He was disturbed with what was happening in Parliament. He was disturbed when the Government used its majority to expel an elected Member of this House. He was further disturbed when this Parliament went to court to have the Member's seat declared vacant. Being a legal mind on par with Keith Sobion, he was of the opinion that when elected to Parliament to serve the people, that must be the only call of Members of Parliament, that we should engage in that kind of work.

In this context, I feel it is fitting as we pay tribute to Dr. Winchester that this Parliament revisit how we conduct our business. While it is important to pay tribute to Members on their passing, it is also important to look at how they live after leaving this House. Recently, we lost former Senator Haji Ralph Khan and former Senator Mahadeo Jugmohan is very ill. We do not take the time to pay visits and find out how they are doing. After their passing we come with this large tribute as if the world stops for a few minutes. This Parliament needs to ensure that we care for each other and do as Dr. Winchester.

With this I pray that God will receive him at the gates and give him eternal peace.

Thank you.

Madam Deputy Speaker: Thank you very much. Can I now ask that we stand for a moment's silence in relation to the passing of Dr. Wilbert Winchester.

The House stood.

Madam Deputy Speaker: I now instruct the Clerk of the House that the appropriate letters of condolences be forwarded to the families of Dr. Keith Sobion and Dr. Wilbert Winchester.

COPYRIGHT (AMDT.) BILL

Bill to amend the Copyright Act, 1997, brought from the Senate [*The Minister of Legal Affairs*]; read the first time.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Deposit Insurance Corporation for the year ended September 30, 2007. [*The Minister of Finance (Hon. Karen Nunez-Tesheira)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the abridged financial statements of the Deposit Insurance Corporation for the year ended September 30, 2007. [*Hon. K. Nunez-Tesheira*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the statements of receipts and payments of the Intellectual Property Office for the year ended December 31, 2006. [*Hon. K. Nunez-Tesheira*]

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

4. Annual audited financial statements of First Citizens Holdings Limited for the financial year ended September 30, 2006. [*Hon. K. Nunez-Tesheira*]

To be referred to the Public Accounts (Enterprises) Committee.

5. The National Insurance (Medical Expenses) (Amendment) Regulations, 2008. [*Hon. K. Nunez-Tesheira*]
6. The National Insurance (Prescribed Diseases) (Amendment) Regulations, 2008. [*Hon. K. Nunez-Tesheira*]
7. The National Insurance (Benefits) (Amendment) Regulations, 2008. [*Hon. K. Nunez-Tesheira*]
8. The National Insurance (Contributions) (Amendment) Regulations, 2008. [*Hon. K. Nunez-Tesheira*]

ORAL ANSWERS TO QUESTIONS

The Minister of Works and Transport (Hon. Colm Imbert): Madam Deputy Speaker, the Government has answers to the following questions: Nos. 13, 21, 34, 38, 44, 45 and 46. We ask for a two-week deferral on all other questions, both oral and written.

The following questions stood on the Order Paper:

Office of Disaster Preparedness Management**(Details of)**

12. With regard to the Office of Disaster Preparedness Management, can the hon. Minister of National Security inform the House what is the recurrent cost in 2007 in relation to the operations of this office and what has the office achieved thus far? [*Mr. J. Warner*]

Professor Mastrofski
(Details of Services)

- 20.** With regard to the services of Professor Mastrofski and his team, could the hon. Minister of National Security state:
- (a) the amount of money paid to date to obtain his services and those of his team;
 - (b) how many recommendations did he propose for the solving of serious crimes;
 - (c) briefly, the recommendations;
 - (d) whether the Government implemented all of his recommendations;
 - (e) if the answer to (d) is in the negative, can the Minister list the recommendations which were not implemented; and
 - (f) the reasons why the recommendations listed in (e) were not implemented? [*Mr. S. Panday*]

National Insurance Board
(Details of)

- 39.** Could the hon. Minister of Finance indicate:
- (a) why after thirty six (36) years of functioning the National Insurance Board continues to rely on a part time medical adviser for payment assessment and advice; and
 - (b) how many claims are outstanding and awaiting such assessment advice? [*Mr. N. Baksh*]

National Insurance Board
(Cynthia Dillion)

- 40.** Could the Hon. Minister of Finance indicate:
- (a) why Cynthia Dillion, a former member of staff of the National Insurance Board was requested to resign suddenly; and
 - (b) what severance package was offered to her upon separation? [*Mr. N. Baksh*]

**Housing Development Corporation
(Details of Housing Units)**

- 49.** With respect to the Housing Development Corporation, could the hon. Minister of Planning, Housing and the Environment state:
- (a) how many housing units were constructed in the Mayaro constituency during the period January 01, 2006—December 31, 2007;
 - (b) the geographical location of these units;
 - (c) the total expenditure on construction of those units to date; and
 - (d) how many of these units are still unoccupied? [*Mr. W. Peters*]

**Mayaro Constituency
(Construction of Housing Units)**

- 50.** Could the hon. Minister of Planning, Housing and the Environment state what new housing units are earmarked for construction in the Mayaro constituency? [*Mr. W. Peters*]

**Housing Development Corporation
(Relief from Flooding by Homeowners)**

- 51.** Could the hon. Minister of Planning, Housing and the Environment state:
- (a) whether she is aware of the plight of families in Plaisance Park, Mayaro who have been severely affected by regular flooding of their Housing Development Corporation Units (recent advertisement December, 2007); and
 - (b) what the Housing Development Corporation is doing to bring relief and comfort to these homeowners in the short and long term? [*Mr. W. Peters*]

Questions, by leave, deferred.

Mr. Ramesh Lawrence Maharaj SC (Tabaquite): Madam Deputy Speaker— I was about to say Mr. Speaker. Perhaps, that is a sign of things to come. I know the difficulties of Government at times and sometimes it has to ask for the postponement of questions. With the greatest respect to the Government, this is becoming too prevalent. As a matter of fact, if you remember, two weeks ago there were many questions which had to be deferred. Last week questions had to be deferred, but in fairness to the Government the questions were answered within

the time frame. On this occasion, there are seven questions for deferral and two weeks ago, the Speaker made an appeal to the Government to try to answer the questions on time. I do not know if the Leader of Government Business can assist. This is one of the most important ways in which the Opposition makes the Government account. I thought that I should bring that to the attention of the House so that the Government would take appropriate measures to try to comply with the terms and spirit of the Standing Orders.

Madam Deputy Speaker: Thank you very much, hon. Member for Tabaquite. I noted that the hon. Member for Diego Martin North/East has noted your comments.

The hon. Member for Chaguanas West is not here.

Introduction of Small Buses in Chaguanas (Details of)

13. Mr. Ramesh Lawrence Maharaj SC (*Tabaquite*) on behalf of Mr. Jack Warner (*Chaguanas West*) asked the hon. Minister of Works and Transport:

Could the Minister indicate:

- (a) when will smaller buses be introduced to transport passengers from Chaguanas to Felicity, along Petersfield Road and into Pierre Road and Charlieville; and
- (b) when will buses be introduced to Endeavour and Jerningham into Bridel Road and Munroe Road?

The Minister of Works and Transport (Hon. Colm Imbert): Madam Deputy Speaker, in keeping with its mandate to provide safe, reliable and economic services to the travelling public across Trinidad and Tobago, the Public Service Transport Corporation has over the past five years been seeking to expand its fleet capacity in an effort to improve service delivery on existing routes and to introduce new services into various rural communities and suburban areas. In seeking to satisfy its mandate, the corporation has since 2002 expanded its operating fleet with the acquisition of 151 new buses as follows:

In 2004, five Fiat Dukato buses with seating capacity of 12 passengers were acquired servicing the routes of Port of Spain to San Fernando and Port of Spain to Arima. It is a dedicated service for differently abled persons. Six Mitsubishi Rocher buses with a seating capacity of 25 for a city service in Port of Spain and San Fernando were acquired.

In 2005, 12 Volvo Cayo articulated buses with a seating capacity of 65 and additional capacity for standing passengers were acquired to service the Port of Spain to San Fernando and Port of Spain to Arima routes. A total of 25 international buses with variable seating capacity: 12, 41-seaters and 13, 49-seaters were acquired to service a number of different routes in Trinidad and Tobago and 12 of these units have wheelchair capacity. In 2005, a Titan tour bus with a 49-seat capacity was acquired for tours and charter services, as well as two other tour buses from Champion with 35-seat capacity for tours and charters.

In 2006, 25 international buses with a 41-seat capacity were acquired for multiple routes.

In 2007, 25 Cayo Apachi buses with 45-seat capacity; 25 articulated buses, 72-seat capacity; four Titan tour buses and nine Champion tour buses were acquired for various purposes. Twelve Champion city buses were acquired bringing the total to 151 buses.

The acquisition of these additional buses was influenced by certain fundamental requirements of our public transport system identified as: safe, convenient and efficient movement of commuters to various destinations in the country; high levels of comfort, regularity and reliability; the maintenance of a fair structure that is reasonable, affordable and within reach of all sectors of the society; the provision of certain services which satisfy the needs of special classes of society as physically challenged persons, senior citizens, school children and others; the existence of a route network which reaches the vast majority of the population; a capacity to respond to changes in the spread of existing areas and those arising from the continuing housing development thrust at the national level; and the ability of the bus system to influence user options in a manner which would create lower levels of road congestion; higher standards of road safety and passenger convenience.

The Government's policy with respect to public transport is simply to support the development of the implementation of strategies which would progressively improve service delivery to the public via the Public Service Transport Corporation and, at the same time, provide increasing relief to the thousands of commuters who every day rely heavily on public transport for the conduct of their various activities.

The renewal and strengthening of the corporation's operation fleet is therefore a continuing exercise aimed at creating the required capacity to respond to the needs of the travelling public. With the expansion of its fleet as I have described, on a daily basis, the corporation provides the public with an additional 5,760 seats

on its fixed route services; 600 seats on its city services in Port of Spain and San Fernando and 648 seats on its tour and charter services. In addition, 108 seats have for the first time been made available to persons with disabilities and who use wheelchairs.

2.00 p.m.

Arising from the expansion of its services over the last five years, the corporation's throughput on an annual basis has increased from 6 million to 7.5 million passengers. It has also been noted that more options have also been exercised in favour of bus transport as against other modes of transport.

On its major routes—Port of Spain/San Fernando, Port of Spain/Arima—the corporation, by using the larger articulated buses, has been able to increase its passenger loading from 49 to an average of 110 persons per trip during the peak period and in the process reduce passenger waiting time on platforms.

The corporation has also administered a school service using 295 maxi-taxis to provide 22,000 seats per day to school children across Trinidad and Tobago on funds provided by the Ministry of Education and the Tobago House of Assembly. This increase in capacity has allowed the corporation to increase the number of routes operated from 32 in 2002 to 74 as at December 2007. Thirty-four of the new routes were introduced during the 2006/2007 period, for example, out of Port of Spain into Morvant, San Juan, Santa Cruz, Diego Martin, Petit Valley, St. James, Long Circular, Maraval and Blanchisseuse; out of San Fernando into Pleasantville, Tarouba, Guayaguayare, Mayaro, Princes Town, Erin, Penal and Barrackpore; out of Point Fortin into Erin, Buenos Aires, Guapo, Icacos and Port of Spain; out of Sangre Grande into Cumuto, Guayaguayare, Manzanilla, Toco, Valencia, Rio Claro and Biche. Many commuters along the above-mentioned routes are also being served and are benefiting from the expansion of the services.

The corporation was able in 2007 effectively and efficiently to service the transportation requirements of ICC Cricket World Cup tournament without disruption of its fixed routes. With increased availability, the corporation has been able to introduce time-based operating schedules which show an on-time performance of between 85 and 90 per cent. This development is already influencing appropriate travel patterns by commuters and as the system is refined and more buses made available, there will be increasingly higher levels of customer satisfaction.

Now we have come to the specifics, having given the rubric of the question. Special mention is made of new services in central Trinidad. A new passenger facility was constructed in 2007, which was characterized by the expansion of the

Rural Transport Service Network with daily services from Chaguanas to Rio Claro, including Caparo, Flanagin Town, Mamoral, Brasso, Tabaquite and Jeffers; and from Chaguanas to San Fernando via Southern Main Road; from Chaguanas to Curepe via Longdenville, Enterprise, Cunupia and Caroni. May I repeat for the benefit of Members who wanted to know about Chaguanas? Additionally, the corporation provides a service along the Chaguanas/Port of Spain route which facilitates the movement of residents in communities such as Endeavour and Charlieville.

With specific reference to the particulars of the question, the servicing of passengers from Chaguanas to Felicity along Petersfield Road into Pierre Road and Charlieville is in the planning stages, with a projected start-up date of August 2008, when additional buses are scheduled to arrive in the country. In addition, the introduction of smaller buses to Endeavour and Jerningham into Bridel and Munroe Road is planned for later in 2008, in keeping with the expansion programme of the PTSC.

I thank you, Madam Deputy Speaker.

Dr. Gopeesingh: Would the hon. Minister indicate whether the acquisition of these buses was subject to national and international tendering best practices and who were awarded the contracts? Were local agents involved in the purchase of these buses?

Hon. C. Imbert: I would love to answer the question, but it is so far removed from the core question that I did not walk with those details today. If the hon. Member would pose that question in writing, I would be happy to provide the details.

Mr. S. Panday: Could the Minister indicate whether schedules for these routes have been made known to members of the public?

Hon. C. Imbert: In a general sense, I am aware that schedules are published on a regular basis, but specifically with respect to the particular areas to which the Member is referring, I can provide the information at another time or he can pose the question and I will be happy to provide the details.

Mr. S. Panday: Now that we have these buses being reintroduced on the routes, have designated bus stops been put in place?

Hon. C. Imbert: Again, Madam Deputy Speaker, I am aware that there is a programme of refurbishment, upgrading and installation of new bus stop facilities all over the country, but specifically with regard to the routes to which the

Member is referring, I can provide the information at a later date or he can pose the question in writing and I will answer it.

**Establishment of a Commission of Enquiry
(Superintendent Chandraban Maharaj)**

21. Mr. Subhas Panday asked the hon. Minister of National Security:

Could the Minister state:

- (a) whether the Government intends to establish a commission of enquiry to investigate the allegations made by Superintendent of Police Chandraban Maharaj of corruption in the Southern Division of the Police Service;
- (b) if the answer to (a) is in the affirmative, will such inquiry be held in public or the findings be made public;
- (c) if the answer is in the negative, what type of inquiry will government embark upon; and
- (d) why no enquiry has been embarked upon to this present time?

The Minister of National Security (Sen. The Hon. Martin Joseph): Thank you, Madam Deputy Speaker. In response to question No. 21, in November 2007, Supt. Chandraban Maharaj made a number of allegations against members of the Trinidad and Tobago Police Service, including that of corruption. These allegations, though very grave, have not to this date been particularized by him, who had promised since 2007 to prepare a document containing the requisite details for delivery to the Commissioner of Police's office by December 03, 2007. Supt. Chandraban Maharaj has since retained the services of an attorney and a number of articles featured in the media on the matter.

Given the gravity of the allegations and the public concerns that have been generated, the hon. Minister of National Security sought the advice of the Attorney General, the Director of the Special Anti-Crime Unit of Trinidad and Tobago (SAUTT) and the Commissioner of Police, among others, in determining how best to proceed in the matter. Hon. Members are advised that while the Commissioner of Police awaits the details of the allegations as has been promised since December 03, 2007, discussions are ongoing as to the way forward. No decision has therefore been taken as to what mechanisms will be employed in this regard.

Mr. S. Panday: Madam Deputy Speaker, having regard to the seriousness, the sensitivity and the status of the officers against whom allegations were made, did Supt. Chandraban Maharaj not ask for external, independent persons to whom he could give that information?

Sen. The Hon. M. Joseph: Madam Deputy Speaker, I have indicated the current situation as it relates to the allegations. I indicated also what is expected from Supt. Chandraban Maharaj. I have indicated that, in the circumstances, we are not in a position at this time to determine how we will proceed. I understand what the hon. Member for Princes Town North has said and it is because of the very sensitivity and the nature of the allegations that the additional information needed to move forward should be stated.

Mr. S. Panday: Is the hon. Minister aware that Supt. Chandraban Maharaj has now retired from the police service? In those circumstances, what will be the relationship between the persons who are striving to have this investigation being pursued and Supt. Chandraban Maharaj?

Sen. The Hon. M. Joseph: Sorry, I am not in a position to answer that question.

Madam Deputy Speaker: Hon. Members, for your information, there are five more minutes and five more questions.

Dr. Gopeesingh: Would the hon. Minister indicate whether a local police officer was put to investigate these allegations and that he had said that he had no faith in the local officer?

Sen. The Hon. M. Joseph: The answer is correct.

T&TEC Crew

(Details of State Resources)

34. Mr. Subhas Panday asked the hon. Minister of Public Utilities:

Could the Minister state:

- (a) the name of the official or officials of T&TEC, who instructed a T&TEC crew to use the Commission's truck, registration number TBJ 7331-S70, on July 28, 2007 to put up PNM banners bearing the party's slogans and photographs of the Prime Minister on T&TEC light poles across the Naparima Mayaro Road, Cocoyea?
- (b) who gave the official and/or officials the instructions to carry out the activities in (a) above?

- (c) whether T&TEC has been paid for the services so rendered?
- (d) if the answer to (c) is in the affirmative, the sum paid, by whom it was paid and the date of payment?
- (e) if the answer to (c) is in the negative, has anyone been held to account for the wanton abuse of State resources?

The Minister of Public Utilities (Hon. Mustapha Abdul-Hamid): Madam Deputy Speaker, the Trinidad and Tobago Electricity Commission (T&TEC) has advised that from time to time private sector companies, Government, non-governmental agencies, private individuals and other organizations approach them with requests for the use of electricity poles for placing advertisements through the use of banners.

T&TEC's policy permits the use of poles for the placing of banners subject, among other things, to the following:

- (1) area managers are to ensure that banners are not made so as to cause any danger to the commission's lines or any third party;
- (2) a standard fee of \$630 plus VAT is payable to the commission for the placement and removal of each banner;
- (3) the banners must be erected by T&TEC's personnel for legal and safety reasons. In this context, instructions to T&TEC's personnel to use the commission's truck, registration TBJ 7331-S70 on July 28, 2007 to put up banners bearing party slogans and photographs on T&TEC's light poles across the Naparima/Mayaro Road have been duly and properly issued by T&TEC's management in accordance with T&TEC's policy.

In answer to (b), instructions to carry out the activities at (a) above were given by T&TEC's management. In answer to (c), yes, T&TEC has been paid for the services so rendered. In answer to (d), the sum paid for the placement and removal of the banners was \$3,622.50, VAT inclusive. This sum was paid by the PNM in January 2008 and since the answer to (c) is in the affirmative, (e) is not applicable.

Mr. S. Panday: Could you say the date that the PNM paid T&TEC? It was January 2008, after the question was filed.

Madam Deputy Speaker: That question was answered.

Mr. Sharma: Please advise this House on how many occasions T&TEC erected or caused to be erected banners or party slogans at no cost to PNM?

SUSPENSION OF STANDING ORDER

The Minister of Works and Transport (Hon. Colm Imbert): Madam Deputy Speaker, in accordance with Standing Order 90 and with your leave, I wish to move that we suspend Standing Order 19(7) to allow the remaining questions we have indicated would be answered to be answered.

Question put and agreed to.

2.15 p.m.

Madam Deputy Speaker: This is on one condition, having regard to the time and the order of the day, that we be mindful of the fact that, there will be supplemental questions and there is other business on the Order Paper.

National Insurance Appeals Tribunal

(Details of)

38. Mr. Nizam Baksh (*Naparima*) asked the hon. Minister of Finance:

Could the Minister inform this House of:

- (a) the number of outstanding cases before the National Insurance Appeals Tribunal, according to the different claim categories; and
- (b) what steps are being taken to have these matters resolved expeditiously?

The Minister of Finance (Hon. Karen Nunez-Tesheira): Thank you, Madam Deputy Speaker. The total number of cases pending hearing before the National Insurance Appeals Tribunal as at January 15, 2008, is 385, broken down as follows:

Employment injury benefit claims, 40; survivor benefit, 27; invalidity benefit, 174; retirement benefit, 80; maternity benefit, 14; disablement benefit, 32; sickness benefit, 15; and funeral benefit, 3.

In response to (b), the proposed measures that are intended to reduce the number of outstanding cases before the National Insurance Appeals Tribunal are:

- 1. to increase the number of hearings per month and the number of cases listed for hearing;
- 2. review procedures with a view to reducing the number of adjournments consequent upon the late submission of documentary evidence by appellants;

3. to propose legislative amendments to introduce a definite time frame within which the National Insurance Board must submit appellants' file to the Tribunal, in default of which the payment of the benefit becomes mandatory.

Mr. Baksh: Could the hon. Minister indicate whether the Appeals Tribunal is fully constituted and functional?

Hon. K. Nunez-Tesheira: That is a different question, Member for Naparima, and I will be pleased to answer it if you put it in writing.

Madam Deputy Speaker: Hon. Member, can you?

Hon. K. Nunez-Tesheira: I will answer.

Dr. Rafeeq: Can the hon. Minister indicate whether interest is paid when claims are paid late?

Hon. K. Nunez-Tesheira: That is a different question and I ask if you can pose that in writing and I will be pleased to answer it.

National Oncology Project

(Details of)

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

Could the Minister state:

- (a) how much money has already been expended on the National Oncology Project; and
- (b) the cost of the entire project and its expected date of completion?

The Minister of Health (Sen. The Hon. Jerry Narace): The amount of money already expended on the National Oncology Project is: National Oncology Programme and equipment, \$83,654,107.80; National Oncology Centre (NOC) Construction, \$36,515,266.58; a total of \$120,169,374.38.

The estimated cost of the entire project is TT \$340,847,273, which is broken down as follows:

- the prime contract, which includes the programme and design for the NOC; \$180,278,736;
- the construction budget for the centre, \$151 million; and
- the project office administration, which includes training, salaries and gratuity payments to staff, \$9,568,537; a total of \$340,847,273.

Dr. Rafeeq: The \$340 million, does this included equipment for the centre as well?

Sen. The Hon. J. Narace: Yes, Madam Deputy Speaker.

Dr. Gopeesingh: Would the hon. Minister of Health indicate whether he feels satisfied that it took an administration seven years to commence the construction of the National Oncology Programme? Are you satisfied that it took seven years?

Sen. The Hon. J. Narace: It is our intention to have this project completed by the latter half of next year.

Dr. Gopeesingh: Could the hon. Minister indicate whether this \$83 million of the National Oncology Project includes payment to a number of people working there with salaries of over \$100,000 per month and the project has not yet started? Does it include members of the NOC staff who are receiving salaries of \$50,000, \$60,000 and \$150,000 per month?

Madam Deputy Speaker: Having regard to the question that was posed at question No. 44, I would not allow this question. It would have to be posed again.

Cancer Care International

(Contract Details)

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

Could the Minister inform this House:

- (a) whether Cancer Care International is still contracted with the Ministry of Health/Government of Trinidad and Tobago;
- (b) if not, did the company's contract come to an end;
- (c) if the contract has expired, could the Minister state the cost of the contract; and
- (d) the services performed/being performed by Cancer Care International?

The Minister of Health (Sen. The Hon. Jerry Narace): Thank you, Madam Deputy Speaker. On June 18, 2004, a contract was signed by the Hon. Minister of Health, with the Canadian Commercial Corporation (CCC) for the non-construction components of the National Oncology Programme/National Oncology Centre Project including: design, bid evaluation, construction supervision, certification and testing services, systems development, procurement of equipment and project management.

The contract was to be effected by Cancer Care International (CCI), carrying out business as Cancer Care International (the CCC-CCI subcontract) for 30 months ending in April 2007, with a proviso for extension of the contract.

Based on several issues of unsatisfactory performance, the Government of the Republic of Trinidad and Tobago, through the Ministry of Health, sought to disengage the services of CCC-CCI, with effect from October 2007.

As a consequence of CCC-CCI's slow response to complaints by the Government of the Republic of Trinidad and Tobago, a notice of default as per the contract was issued to CCC-CCI in February 2007, to formally signal the dissatisfaction of the Government of Trinidad and Tobago with the unsatisfactory performance of CCC-CCI. At the request of CCC-CCI, the notice of default was withdrawn as a measure of good faith and the contract was extended to July 2007.

Subsequently, CCC-CCI submitted proposals for an extension of the contract for a further period of 30 months at an increased cost of TT \$96 million to fully execute the clinical programme elements and to the commissioning and operationalization of the NOC. This proposal was rejected by the Government and CCC-CCI was offered an extension of 12 months including the previous three-month extension, to complete the work remaining under the contract, with no additional costs being entertained by the Government of Trinidad and Tobago.

CCC-CCI has refused to accept the Government's decision and has filed for arbitration proceedings in the London Court of International Arbitration to contest the decision. The resolution of this dispute is ongoing.

The cost of the CCC-CCI contract is TT \$180 million. The sum of TT \$83,654,197.80 of this sum has been expended to date.

The major services performed include: development of radiation therapist, the BSc curriculum programme with COSTAATT and BCIT; the development of curriculum of the BSc Oncology Nursing; the architectural design for the NOC including change order; the functional programme for the NOC; the radiation shielding calculation report; down payment on major radiation treatment equipment; down payment on OPIS and home care programme.

Dr. Rafeeq: Can the Minister tell us whether it is true that this contract with CCI and the Government of Trinidad and Tobago was done without advertisement and tendering?

Sen. The Hon. J. Narace: As I have alluded to, this matter is currently before arbitration and I am advised by my legal department that I should constrain what we divulge here today so that we do not prejudice the interest of Trinidad and Tobago. I would be more than happy, once the arbitration procedures are worked out, to bring an abundance of information to you. I would communicate to you at the appropriate time.

Dr. Rafeeq: I am not satisfied with the answer to the question.

**National Oncology Project
(Contract Details)**

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

With regard to the National Oncology Project, could the Minister state:

- (a) the cost of the contract between the Ministry of Health and Ellis Don;
- (b) whether there has been any cost escalation in the project; and
- (c) whether Ellis Don is still working on the project, how much money has been paid so far and what work the company has done?

The Minister of Health (Sen. The Hon. Jerry Narace): Thank you. Madam Deputy Speaker, Ellis Don was contracted as the construction manager responsible for the construction of the NOC through implementation of the design and procurement of subcontractors and supplies in respect of the construction of the centre.

The contract provides for fee of 5 per cent of the cost of works which has been set at \$151 million, plus value added tax. In addition, a reimbursable budget not exceeding \$22,541,481.90 plus VAT has been approved to cover salaries of field and office staff and short-term specialist consultants, housing, travel utilities, vehicles, cleaning and maintenance. There has been cost escalation on the project as indicated below.

Tender Package/Item	Budget Amount	Award Amount	Difference (percentage over)
Concrete Works	TT \$18,975,549.60	\$24,749,657.10	30.4
Structural Steel	TT \$14,714,387.10	\$15 497,710.20	5

Packages reviewed but not awarded:

Tender Package/Item	Budget Amount	Award Amount	Difference (percentage over)
Mechanical Services	TT \$35,790,284	\$45,360,000	28.9
Electrical Services	TT \$25,272,267	\$30,501,075	21.33

This gives an overall escalation of 19 per cent over budget to date. Other works packages are yet to be awarded.

The Cabinet-approved budget for the NOC Construction Project is TT \$151 million. Ellis Don, in July 2007, submitted a revised budget for the construction of the NOC at an estimated cost of TT \$240,915,649. Consequently, Ellis Don was requested to reconsider the budget cost with a view to bring it in line with the Cabinet-approved budget figure of TT \$151 million. Ellis Don has indicated that it is unable to do so. The Government, therefore, is exploring other options to complete the construction of the NOC within the approved budget and schedule. This would require the termination of the construction manager's contract and the engagement of a new contractor on a design/construct basis, through the services of UDeCott.

While the Government of Trinidad and Tobago is pursuing this option, Ellis Don continues to perform in the capacity of construction manager and is currently supervising the concrete works for the foundation and slab, inter alia.

2.30 p.m.

The following works have been completed: Backfilling was completed on September 22, 2007.

The main building: The forming and pouring of the footings was completed; 25 pairs have been completed; all of the high tensile bolts arrived on site and installed; and some pits have been completed.

With respect to the walkway, 16 pairs and 18 footings have been completed in this area.

The footings for the interface building have been poured and the foundation walls were completed.

With respect to site work; all concrete headwalls have been formed and poured. The relocation of the firing line has been completed.

I thank you.

Dr. Rafeeq: Madam Deputy Speaker, the Government has terminated or is terminating the contract of Ellis Don; has terminated or is terminating the contract of Cancer Care International; and has terminated the contract of NH International for the Scarborough Hospital? Thank you, Madam Deputy Speaker.

Madam Deputy Speaker: That was not a supplemental. Do you have a supplemental question?

Dr. Gopeesingh: Yes. Could the hon. Minister give us an approximation of the percentage of work completed on the project that has already escalated beyond

\$22 million? With respect to the answer that you just gave, there is an escalation of \$22 million or 19 per cent. Could you indicate what percentage of the work has been completed so far? You have given the areas that have been completed, but give us an idea of the percentage of the completion of the project for the escalation of \$22 million.

Sen. The Hon. J. Narace: Madam Deputy Speaker, there are two issues here that clearly constitute 19 per cent. One is for works that were given out, and the other is for packages reviewed, but not awarded. So, there are two different areas, but suffice it to say, that the foundations have been completed.

DEFINITE URGENT MATTERS

(LEAVE)

Criminal Assault on Police and Judicial Officers

Dr. Roodal Moonilal (*Oropouche East*): Madam Deputy Speaker, thank you very much. In accordance with Standing Order 12 of the House of Representatives, I hereby seek your leave to move the adjournment of the House for the purpose of discussing the following matter as a definite matter of urgent public importance, namely, the recent killings and criminal attacks on police, judicial officers and other law enforcement officials.

The matter is definite since it refers to the specific criminal assault on officers of the protective services and the Judiciary, which has received widespread exposure and condemnation throughout Trinidad and Tobago, and which appears to be a specific act of retaliation against police and judicial officers who are our last bastion of defence against the escalating gangs of merciless and cold-blooded killers.

The matter is urgent since there is the real risk that the increasing number of organized criminal gangs have targeted officers of the protective services and the Judiciary in a concerted effort to destabilize our society, and perpetuate anarchy and chaos by instilling fear, insecurity and terror within the law enforcement community.

The matter is of public importance since it affects the absolutely critical functions of the police and judicial officers, and contribute to a lack of public confidence in the protective services and Judiciary that are now exposed to the brutality of criminal acts, and appear to be humbled and in fear of their own lives, which further generates greater anxiety, despair and panic among an already terrified population.

Madam Deputy Speaker: Hon. Member, your application does not qualify under Standing Order 12. I suggest that it be raised under Standing Order 11.

**Government's Failure to Construct Overpass
(Solomon Hochoy Highway/Carlsen Field)**

Dr. Hamza Rafeeq (*Caroni Central*): Thank you, Madam Deputy Speaker. In accordance with Standing Order 12 of the House of Representatives, I hereby seek your leave to move the adjournment of the House to discuss a definite matter of urgent public importance, namely, the failure of the Government to construct an overpass on the Solomon Hochoy Highway in the vicinity of Carlsen Field resulting in several fatal accidents.

The matter is definite since it deals with a specific issue of the construction of an overpass on the Solomon Hochoy Highway which connects two villages: Carlsen Field and Chase Village. The connection of these two villages is important since the villagers of both villages depend on each other for goods and services. In fact, the children in Carlsen Field must cross the busy highway to get to school in Chase Village and other surrounding areas.

The matter is urgent since many persons have suffered serious injuries resulting from accidents while crossing the highway. Several persons have died as a result of accidents in this area, the most recent being 30-year-old Ramesh Ralph who was killed on Saturday, February 09, 2008. In addition, many persons, including 16-year-old Alisha Ali, have suffered permanent disabilities resulting from these accidents while crossing the busy highway.

The matter is of public importance since the Solomon Hochoy Highway is the main road connecting north and south Trinidad, and the volume of traffic is increasing daily. The potential for major accidents resulting in serious injuries and deaths is increasing for the road users as well as the residents of the surrounding villages who must cross the highway several times a day.

Madam Deputy Speaker, thank you.

Madam Deputy Speaker: Hon. Member, this application does not qualify under Standing Order 12. I am certain that you can have a word with the hon. Member for Diego Martin North/East on this matter. [*Interruption*]

RETIRING ALLOWANCES (LEGISLATIVE SERVICE) (AMDT.) BILL

Bill to amend the Retiring Allowances (Legislative Service) Act, Chap. 2:03. [*The Attorney General*]; read the first time.

TEACHING SERVICE (COMPENSATION) BILL

Order for second reading read.

The Minister of Education (Hon. Esther Le Gendre): Madam Deputy Speaker, I beg to move,

That a Bill to provide for the payment of compensation in respect of members of the Teaching Service who suffer injury or die in circumstances arising out of and in the course of employment with the State, be now read a second time.

Madam Deputy Speaker, the Chief Personnel Officer negotiated with the Trinidad and Tobago Unified Teachers' Association (TTUTA) pursuant to section 68 of the Education Act for the period October 01, 2002 to September 30, 2005.

Agreement on new salaries and cost of living allowances were agreed to and ratified by Cabinet in Minute No. 2416 dated August 26, 2004.

Subsequently, negotiations for the same period continued in respect of other outstanding terms and conditions. A memorandum of understanding was entered into by the parties on May 24, 2005 with it taking effect retroactively.

Among the terms and conditions agreed to was compensation for injury or death in the course of duty, which is the subject of this Bill. This memorandum of understanding was ratified by Cabinet in Note No. 1663 of 2005.

The Bill was drafted by the Chief Parliamentary Counsel in conjunction with the Chief Personnel Officer's Department. After being laid before the Legislative Review Committee meeting on two occasions, the Bill was amended, and this version is being laid in Parliament.

Madam Deputy Speaker, the current arrangements of the Ministry of Education for claims for personal injury or death of teachers involve workmen's compensation insurance with a private provider. The policy covers accidental death, bodily injury, including illness or disease arising out of and in the course of employment.

All claims have to be made within a three-month period from the occurrence of the incident. Unlike the subject Bill, the policy in effect covers temporary disability, in addition to permanent disability and death.

There are shortcomings in the current policy: The limitation period for making claims is too short; the ministry pays a large annual premium to maintain the insurance coverage, whether claims are made or not; and premiums increase annually.

The purpose of this Bill is to legislate a negotiated term and condition of employment contained in the MOU dated May 24, 2005 between the Chief Personnel Officer and TTUTA.

Its intention is to provide for the payment of compensation in respect of members of the Teaching Service who suffer injury or die in circumstances arising out of, and in the course of employment with the State.

Those members of the Teaching Service to which this Bill is applicable are teachers. Even though the Teaching Service comprises a variety of positions other than teaching, these office holders are not represented by TTUTA, but rather by the Public Services Association.

Madam Deputy Speaker, I am going to take the House through the contents of the Bill by its clauses.

Mrs. Persad-Bissessar: Thank you very much, Hon. Minister. Are you saying that the persons who are not teachers will not be covered? I just want to understand if that is what you are saying.

Hon. E. Le Gendre: We are saying that the persons who are not teachers are covered under a separate arrangement under the Public Services Association, and this particular Bill deals with teachers who are covered by TTUTA. You will remember that within the Ministry of Education, our staff falls under two separate bargaining bodies.

Madam Deputy Speaker, clause 2 deals with the interpretation section. This Bill is intended to be applicable in cases of permanent partial disablement or permanent total disablement or death occurring on or after January 01, 2005 only. It does not apply to cases of temporary partial or temporary total disablement. These are covered by continuing insurance with Tatil.

Clause 3 deals with the payment of compensation. Compensation is payable in three cases, once they occur in circumstances arising out of and in the course of the teacher's employment with the State. In one case, a teacher suffers personal injury; in the second case, the teacher dies instantly; and in the third case, a teacher dies as a result of personal injuries sustained.

Clause 4 deals with who is entitled to make a claim. In the first case, the teacher or the victim may make a claim. In the second case, any person entitled by any law on the teacher's behalf where the teacher is unable to do so. In the third case, a named beneficiary.

2.45 p.m.

The teacher, if he or she so desires, may lodge a form at the Ministry of Education naming a beneficiary in the event of the subject circumstances occurring. The teacher is responsible for keeping such information current. Fourthly, the holder of a grant of probate or letter of administration may also make a claim. There is a limited period for making a claim. In the case of death, that period is four years from the date of death. In the case of personal injury, one year from the date on which the injury was sustained.

Clause 5 deals with the establishment of a compensation committee. Under clause 5, the President appoints a committee for three-year terms on terms and conditions determined by him. Members of the committee shall be eligible for re-appointment. Members may resign by giving one month's notice in writing. The composition of this committee consists of a practising attorney-at-law with at least seven years' experience, who will be its chairman; a practising attorney-at-law for the position of secretary; a medical practitioner with at least seven years experience; a medical practitioner with at least four years experience in occupational safety and health issues; a person with at least three years experience in the business of accident and health claims.

Clauses 6 to 12 deal with the procedural issues of the committee. Clause 6 deals with issues of the committee. The committee will have a seal and it shall be kept in the custody of the secretary. The seal must be affixed by the secretary in the presence of one other member.

Clause 7 deals with meetings and quorums. The committee shall meet as deemed necessary and three members of the committee shall constitute a quorum.

Clause 8 deals with the disclosure of interest. Committee members with interest in any issue coming before the committee shall disclose the same and is disqualified from all sittings in respect of that matter.

Clause 9 deals with acting appointments. The President may appoint someone to act where a member cannot perform his duties due to illness, absence from Trinidad and Tobago, clause 8 provision or for any other reason. Such replacement must possess the same qualifications as described under clause 5(3) as the substantive member.

Clause 10 deals with resignation and the revocation of appointment of members. In terms of resignation, a member is required to provide one month's notice in writing to the President. In terms of revocation, the President may revoke an appointment where the member is absent from three consecutive

meetings without approval; is guilty of misconduct that may bring the committee into disrepute; is disqualified from practising his profession; is unable to perform his functions.

Clause 11 deals with *Gazette* publication. The appointment of members and acting appointments, resignations and revocation of appointments must be published in the *Gazette*.

Clause 12 deals with office of the committee. The office shall be situated in Port of Spain.

Clause 13 deals with the functions of the committee. The committee has the same functions as a court of civil jurisdiction under the Summary Courts Act. These functions are to receive, investigate, hear and determine claims for compensation pursuant to this Act and rules of the committee; to make orders for compensation in accordance with Schedule II. Reasons in writing, for making or refusing the award must be done. The committee is also responsible for discharging any other responsibility required by this Bill.

There are factors to take into account in making an order or determination of the quantum. These factors are: one, whether the claim arose out of the victim's participation in illegal activity; two, whether there was contributory negligence on the part of the victim; three, whether any gratuitous payment was made to the victim in respect of the same personal injury or death.

Clause 14 deals with committee rules and rules of evidence. The committee must make and publish in the *Gazette* its rules for initiating a claim and for the conduct of its business and publish the same in the *Gazette*. The committee is not bound to adhere to rules of evidence as per the Evidence Act.

Clause 15 deals with staffing. Staff of the committee shall be appointed by the Permanent Secretary in the Ministry of Education and shall be from among employees of the Ministry.

Clause 16 deals with the right of appeal. An aggrieved party can file an appeal in the Court of Appeal within six weeks from the date of determination by the committee.

Clause 17 deals with compensation otherwise awarded. The committee shall take into account any damages awarded to a teacher or his beneficiary in respect of the same injury or death in awarding compensation.

Clause 18 deals with annual reports. The committee must submit an annual report of its operations to the Minister and this shall be laid in Parliament.

Clause 19 deals with transition. All claims in respect of personal injury and death of a teacher existing before this Act coming into effect, shall continue in force as if they were made under this Act.

Clause 20 deals with other entitlements. A teacher cannot be disentitled or disqualified by this Bill from making a claim under the National Insurance package of Legislation, Education Act, Teachers' Pensions Act or any other relevant legislation.

Clause 21 deals with the amendment of Schedule II. The Minister of Education has the power to amend Schedule II by Order.

Clause 22 deals with the date of commencement of the Act. The Act is to be deemed to come into operation on January 01, 2005.

Schedule I contains the form for naming a beneficiary. This is available for teachers who wish to name a beneficiary in the event of death arising out of the course of employment.

Schedule II deals and outlines the formulae for computing compensation. In terms of death, the compensation provided is three years' gross salary at the date of death, and such entitlements as provided under relevant Acts governing superannuation benefits to teachers or any other legislation. In relation to permanent, total or partial disablement, the same percentages as those under the Second Schedule of the Workmen's Compensation Act and such entitlement as provided under the relevant Act governing superannuation benefits to teachers or any other legislation.

In respect of injury leave, there will be full pay; except in respect of the following claims that do not come under the jurisdiction of this committee: death or injury caused by war or invasion, act of foreign enemy, civil war, suicide, attempted suicide, venereal disease, alcohol or drugs not prescribed by a medical practitioner.

Madam Deputy Speaker, the Bill as outlined, gives effect to terms and conditions agreed between the CPO and TTUTA, which represents members of the teaching service.

The conclusion for the successful passing of this Bill will bring a much needed relief and security to the nation's teachers, and as such, I beg to move.

Question proposed.

Mrs. Kamla Persad-Bissessar (*Siparia*): Thank you, Madam Deputy Speaker. I note the presentation of the Member for Tunapuna, that this being her first presentation we want to thank her for reading the Bill for us. I am happy it was a 22 clause Bill, fortunately, we thank her for reading it for us, and I welcome

her to this Chamber. Some of the things we have to talk about on this side really may not relate at all to the present hon. Minister, because there are matters that have been within the education sector for some time now and the Minister has only been there a month or two. So, we welcome her in this Chamber and we acknowledge her first presentation in debate.

I want to begin debate on this side by asking the Government what is its policy with respect to consultation, and especially with respect to this particular Bill. In this country, there are over 13,000 teachers. With 13,000 teachers there are adults, they may have spouses, may have children, and certainly have relatives. So we are talking about 13,000 multiplied by two, three or four persons who would be affected by what is happening in this Parliament with respect to the passage of this Bill.

Yesterday we met with representatives of TTUTA, which is the representative organization for teachers, looking after the interests of teachers. Whilst it is true, as the Minister said, that this Bill is to put into effect terms and conditions agreed by MOU on May 24, 2005, which would have been over two years ago, I understand from our discussions with TTUTA yesterday, that TTUTA has not seen this Bill and that the only time they saw it was when Members of the Opposition sent a copy to them early this week, after we discovered on Friday that debate would take place in this House.

So whilst it is true that you are putting into effect terms within the MOU, there was no input with respect to the specific provisions contained in this Bill. And as a result, I would ask the hon. Minister whether she would be prepared to stand down this debate to allow for proper consultation with the representatives of the teachers. [*Desk thumping*] I ask if that is possible. If not, I will continue with my contribution.

If the Minister is willing to answer, I am saying, at first the teachers said they were very happy. This thing has taken so long, but when we went into discussions with them, it was very clear that this Bill is exceedingly deficient in a number of ways. The Minister herself has identified one way, that it covers only the teachers, but in the schools there are persons who are not within the teaching service; they are lab techs; they are people in the clerical, secretariats and so on. They are not covered, but yet you are in the teaching establishment. Contract teachers are not covered; that is another couple of thousand people we are talking about.

3.00 p.m.

First I am saying that we are very happy this has come to the Parliament at last for debate, long overdue and we agree. We are totally in support of compensation for teachers and those within the education sector, but it must be done in a way

that will give the greatest benefit to the teachers and their dependents and in that regard I again ask, through you, Madam Deputy Speaker, whether the hon. Minister and the Leader of Government Business may consider that this debate be stood down to allow the representatives of the teachers to have input in terms of the provisions of the Bill.

Mr. Imbert: Madam Deputy Speaker, we will continue with the debate but we will carefully consider your request and at the tea break I can give you a better answer to that.

Mrs. K. Persad-Bissessar: Thank you very much, we will decide then at that point.

So here we are, I am talking about consultation and the lack of consultation on the part of the Government when you are dealing with major stakeholders—so the Bill in principle on the face of it, it looks great, here we are, this Government is so great, we are going to compensate teachers. But when we look at the specific provisions of the Bill we see that a minute number of teachers may benefit; we see that it leaves out a whole host of other persons who are within the education sector and we see, for example, the method of computing and calculating the kind of compensation that the teachers will receive. Those methods cannot work, they are outdated, they refer to the Workmen's Compensation Act which is 1960 legislation, which does not really give the kind of compensation that you want to give to your teachers, so as I go through we will fight some of these.

Why did we select teachers at this time to give them compensation? We have again, the thousands of people working for the State in the civil service, the public service; why are they not also taken into account? Why did we select the teachers? Perhaps the answer is very simple. It is that our schools have become war zones. It is that our teachers are under serious threat in those schools, and just to put that into context I would like to look at some of the newspaper headings, I will not go way back into the past five years because in the last five years it was very clear that the violence in schools had escalated to tremendous levels. I will just look at some that are very recent. This is an article in the *Newsday* of January 23, 2008 just two weeks ago: “Pregnant mom hit by boys, foetus in danger,” it says:

“A 22-year old woman was last night in fear of losing her unborn child after being attacked by...schoolboys.

Carlene O'Brien said her four-month old foetus was bruised by the blow. She...went...to Mount Hope...”

We look at another headline: “Teachers flee as pupil ‘war’ erupts in school.”

This is Tuesday, November 27, 2007:

“Teachers at a Princes Town secondary school had to flee for their lives...when fight erupted among several gangs on the school compound.

Hundreds of students started pelting objects, hitting, cuffing and pounding on each other and even on teachers who tried to intervene, a reliable source told the *Express*.”

Express of November 27, 2007. *Newsday* of Thursday, February 14, 2008, again, just recently: “Student hurt in school fight.” It says:

“An 18-year-old student of a Senior Comprehensive School in South Trinidad was reportedly grabbed by the throat and dealt a...severe...blow above his right eye by one of the school's...officers...”

It continues: A story of September 14, 2007, reporting on the findings of the Centre for Criminology and Criminal Justice in which a study done by Vidya Lall said that of a 12-item violence and delinquency scale was used to question students about behaviour for the previous six months, here we had 27 per cent used force to get something; 26 per cent fought using a weapon; 17 per cent of that sample stole something. If we transpose this to a school population of about 267,000—maybe a bit more, the last time of my recall it was around 267,000 children—and you are talking about 27 per cent of people using force, 26 per cent using weapons and so on. You are talking about a very high number, in absolute numbers dealing in violence in the schools.

The then Minister of Education, Minister Hazel Manning, in speaking to the Parliament on the Government's Handling of Crime on Tuesday, May 22, 2007 had this to say, with respect to a sample of students, dealing again with school violence:

“Sixteen per cent of the students under study were actively involved in gang misbehaviour in school.”

So what we are seeing from the schools is mirroring what is happening in Laventille, what is happening in the rest of the society and the inability of the Government to deal with these issues, either in the society at large or within the school system; 16 per cent of 267,000 students, again, is a very high number in terms of absolutes.

We come now to 2007, in a report carried by “Global School-based Student Health Survey: Trinidad and Tobago (Trinidad) 2007 Fact Sheet. This is a sample

of students from Forms 1, 2, 3 and 4; they carried out school-based surveys in Forms 1, 2, 3 and 4 and this is what they had to say in terms of injuries and violence:

“Percentage of students who were physically attacked on one or more times during the past 12 months: 40.8 per cent.”

Almost half of the sample reporting that they had been physically attacked.

“Percentage of students who were in a physical fight one or more times during the past 12 months: 42.9 per cent.

Percentage of students who were injured one or more times during the past 12 months: 46.6 per cent.”

Injuries and violence in the schools.

This is a report which came out on February 13, 2008 relating to a survey done for the year 2007. Again, I make the point; this sample was from Forms 1, 2, 3 and 4. We are talking about 40 per cent of the children in fighting; 40 per cent physically attacked; 42 per cent in physical fights; 48 per cent seriously injured one or more times. And I want to make the point very clearly, you see those students in that sample: Form 1, Form 2, Form 3 and Form 4, not a single one had been placed by the UNC administration in any school. [*Desk thumping*]

I want to make that point, because each time you say there is violence in the schools you condemn the UNC for giving universal secondary education; you say we put them in the schools, when that year was 2000/2001. You are condemning every year and yet every year you continued to follow the same policy set by the UNC, which is, to give a place to every child in the school. But when you look at statistics, these are not the children in the schools placed, who were then placed by the UNC. This is within your time: Form 1, Form 2, Form 3 and Form 4; when you look at the statistics for the primary schools, we did not place them in the primary schools under universal secondary education. I really want to hammer that point home because I have heard it ad nauseam, that the violence in the schools, blame the UNC. Blame the UNC for violence in the schools, and I want to make that point very clear.

So here we are, we have statistics, we have seen what is happening in the schools, we see what is going on and we come to look at compensation for teachers. That is the context in which we are here, in terms of what is happening in the education sector with respect to physical abuse, violence and so on. There is no, unfortunately, like statistical data available for injury to teachers; instead we

will have to depend on newspaper reports and newspaper articles, and that is really a serious matter in this country, generally, the lack of statistical data on so many very important issues. We do not have it, we do not have the numbers of teachers who have been injured, we do not have the numbers who have died during the course of their employment, we do not know what the statistics are. I really would have thought that the hon. Minister would have been kind enough in piloting this Bill—which is to compensate teachers—to give us some idea of how many teachers would have suffered injury or ended up dead in the school system, so that it will give strength to the measure that we are putting into place today. And if the Minister does have that, I would be grateful if she would share the statistics with us, because I have not been able to find any like statistics for teachers in terms of violence, assault, injury and so on.

What is the status of the law when it comes to compensating workers? Because here we are, we have selected the teachers; we are saying we want to compensate you under this specific piece of legislation. What is the status of the law? And as the law stands there are two pieces of legislation which deal with compensating workers who get injured in the course of their employment. One is the Workmen's Compensation Act, and we all know that Workmen's Compensation Act is way outdated, long archaic; principles, policies and provisions which really do not belong in today's world; 1960 legislation. When a schedule for injury, permanent disability, temporary disability, partial disability and so on, that is so totally out of touch with what is happening in today's world—and I will come back to that.

So that is one piece of legislation that we have: The Workmen's Compensation legislation. This in effect would have been where a worker in the teaching service, in the public service would have gone to get compensation, as for the worker on any private work site under this outdated piece of legislation—1960. I know you will tell me, well, we were there for six years and we did nothing. Well, I have news for you, we did something, and my colleague from Cumuto/Manzanilla who was then the Minister of Labour will share with you Bill No. 1 of 2001 which was a comprehensive review of the law relating to compensation for all workers in this country. [*Desk thumping*]

And again, thanks to the UNC, because apart from this there was nothing. In 1996 we debated in this Parliament and passed the Protective Services Compensation Act. [*Desk thumping*] We passed it here as UNC legislation, because, like what is happening in the teaching service, at that time there was no codification, no institutionalization of the framework for compensating members

of the protective services who were injured or died in the course of their employment. There was nothing. What had happened, it was a case-by-case basis which is what is happening with the teachers as well; which is what is happening with the public servants unless they came under workmen's compensation—case-by-case basis—which, really, does not make for fairness, openness or transparency.

That is to say, you would go to the Minister, you would send a letter saying someone has been injured or someone has died and can you please help me. The Minister would then do a Cabinet Note, go to Cabinet and on the discretion of Cabinet make some *ex gratia* award in compensation. So that really, is not acceptable at all and therefore that is why we say we are very happy if we attempt to institutionalize, codify methods and procedures and give a right to compensation, because in those cases there was no right to compensation, it was at the discretion of the Cabinet and of the Minister. In other words, if you have friends in the ministry you might get a better award than those who did not have a friend in the ministry. They would go to the Cabinet; there was no set procedure or process. So, here you come, you say we want to change that—and it has nothing to do, Madam Deputy Speaker, with the insurance policy. I heard something; the hon. Minister was saying about insurance policy and the premiums being too high. It has nothing to do with that! It is about the principle in any modern democracy that where workers are employed, whether by the State or by private individuals, they must have a right to compensation that should be placed into the law, where they are injured during the course of their employment through no fault of their own.

A teacher is at work somewhere, in fact when we met some of the teachers, he/she would tell me his/her leg went through the floor board because they did not repair the schools. [*Laughter*] or you break a leg. You may not just break it, you may lose a limb, and so, nothing to do with your negligence, you end up on site, in place and you lose it. It has nothing to do with insurance policies, insurance premiums and about temporary disabilities covered by Tatil Insurance and so on. Nonsense, with due respect! We should be providing here for temporary disability as well as for permanent disability once it happens in the workplace, once it happens in the course of your employment, and again, the Member for Cumuto/Manzanilla will show you the way. That Bill No. 1 of 2001, that was very clear in terms of a comprehensive formula for accessing benefits to teachers, to public servants and to any worker in this country injured in the line of duty. We come to look at the other piece of legislation which is the Protective Services (Compensation) Act which I said we passed in 1997, it came to the Parliament in 1996.

3.15 p.m.

We came into Government in December 1995 and within six months, [*Desk thumping*] we had put into Parliament, the Protection Services (Compensation) Bill and I remembered this very well. I remembered during our first budget debate, we were meeting in committee rooms there. It was the then Minister Theodore, the then Attorney General, Ramesh Lawrence Maharaj and myself, together with technical staff to put into place a compensation package for members of the protective services. We were appalled, as any right thinking citizen would be, that you have members of your protective services out there in the front line of duty to protect and to serve, and these guys had no codification for getting compensation if they were injured or they died in the line of duty. So, in a very short space of time, we passed the Protective Services (Compensation) Act. That is the background to that Act, but something very interesting has now happened.

Madam Deputy Speaker, we are here today dealing with the Teaching Service (Compensation) Act, 12 years later. Do you know what has happened?—the most amazing thing. The provisions in the Teaching Service (Compensation) Bill in this Parliament today are identical to the provisions in the Protective Services Compensation Act that was passed down in 1997. Twelve years later, identical provisions. All that has been done, you changed the names as they say, to protect the record. So where the words "Protective Services" are inserted, you will now see the words, "Teaching Service." Identical! Well maybe that is great; you will say UNC passed a brilliant piece of legislation and you copied it word for word 12 years later. Even though you signed an MOU agreement on May 24, 2005, it took you two and a half years later to copy something that was done 12 years ago.

Mr. Ramnath: To cut and paste.

Mrs. K. Persad-Bissessar: Well, they did not have to cut and paste. Well, yes, you cut and paste it; you cut "Protective Services" and you put the words. It took you three months to cut and paste. Three months to bring the identical provisions.

Madam Deputy Speaker, it meant they gave no thought to it. Absolutely no thought and that is why I asked and I told this House, they did not even consult with the teachers. When they did those provisions they did not say: "Hello, teacher, take a look at this and tell me if it takes care of you and if you would be happy." You did not even talk to them. That is why—that is not true—I am advised that they spoke with them, yes. They told them we are putting the MOU; we are implementing it; we are going to do it, but when the Bill itself was drafted, the actual Bill that is before this House, the teachers had no consultation with

respect to that. That is what I was told. I have no reason to carry tales of this—we met yesterday with representatives. We spoke with one of the principal associations. The Bill itself never went to them, so in principle, the teachers are happy. Yes, this part is before the Parliament, we were going to get compensation, but when we sat and looked at it, we saw what has really happened. You copied this from 12 years ago.

You see, Madam Deputy Speaker, the UNC was a very forward-thinking government, very progressive and when we passed law from then and it is continuing now, we always made a provision for these various committees to file reports in the Parliament. And so, the committee set up, that same Compensation Committee which we are now attempting for the teachers and for the protective services, filed their first report through their Minister in this Parliament, in the year 2002 with respect to their work for 2001. Look at what happened; look at what they said. So from 2001, you have a committee that is implementing the Protective Services (Compensation) Act—and I want us to understand what we are saying—which you have duplicated as the Teaching Service (Compensation) Bill. Yet a committee making comments on ways in which that legislation needed to be improved, you took no notice whatsoever of it and so we come here.

The work of the committee and this is for the protective services—the annual report of the Protective Services Compensation Committee for the period January 01, 2001 to December 31, 2001. Who was in Government on December 31, 2001? It would have been the previous incarnation of this present Government.
[*Interruption*]

Mr. Ramnath: Rowley was there.

Mrs. K. Persad-Bissessar: The committee says on page five of this report:

“The work of the committee has been hampered because of certain limitations. These limitations are highlighted...together with suggested measures which have been taken or are to be taken to address the situations:

- (i) Section 4(3)(b) stipulates that a claim for personal injury is to be made within one (1) year on which such personal injury was sustained. This section gives jurisdiction to the Committee to entertain an application only if same is filed within 1 year of the date of the injury.

Recommendation: It may be necessary to amend Section 4(3)(b) of the Act to extend the time within which personal injury application may be made.”

Let us look at the Teaching Service (Compensation) Bill. Identical wording! Identical wording—time limitation for bringing a claim for personal injury, one year. So here is the committee, under that one year, it is not enough. In fact, when we met with the teachers, they said that that limitation period should be more than one year. They are saying further, it does not take into account some injury they may have suffered which after the one-year period, shows that it is going to be something that will cause permanent disablement or permanent disablement whether partial or total.

Again, Bill No. 1 of 2001 laid by the UNC in Parliament makes provisions for that and the Member for Toco/Manzanilla will give us the details of that. It makes provision for, if you are out of that time it gives you that leeway that you can still come and apply even if you are outside of the one year, because it breaks it down, it does not just close the door on one year, and the teachers are asking for our discussions for that limitation period to be extended.

So that is one issue. I am saying that you would have known this as way back December 31, 2001; the report was completed and it would have been laid in Parliament maybe two or three months after 2001. So definitely by 2002 that report would have been in the Parliament; it would have had to go through the relevant Minister to come here to the Parliament. Maybe that Minister did not read it, I do not know. I do not know because when the Bill came to the Cabinet, they would have seen it and said: "Hi, you know, this is exactly like the Protective Services (Compensation) Act. You know what, we had problems. I remembered that report, there were problems with it."

Problem No. 2, again coming out of the annual report of the Protective Services Compensation Committee and I continue:

- “2. Under section 13(1)(a) of the Act, the Committee is empowered to award compensation for personal injuries in accordance with inter alia, the Second Schedule to the Workmen's Compensation Act... However, the Second Schedule of the Workmen's Compensation Act only covers limited injuries resulting in permanent disablement (mainly loss of limbs). The ability of the Committee to award compensation for serious temporary or long-term injury (not related to the loss of any limbs) is severely limited.

It is suggested the Act be amended to allow for inclusion of compensation for a wider range of injuries.”

In a moment I will show you what has happened to the claims that were made by the protective services under like legislation; out of those only 11 officers were

awarded compensation. Do you know why? Because of the restricted definitions of disablement offered by Schedule II of the Workmen's Compensation Act.

Again, I come back to the Teaching Service (Compensation) Bill; the formula is exactly the same. It says in Schedule II that benefits which shall be granted in respect of injury or death arising out of and in the course of employment:

- “(b) Compensation for permanent total disablement, or permanent partial disablement—
 - (i) the same percentages of the amount of (a)(i) as those included under the Second Schedule to the Workmen's Compensation Act.”

Identical provision!

Here you have from 2001 that they are saying: "Listen, this is too limited. A lot of officers are not going to get compensation even though they have been injured because of the way that outdated piece of legislation, the Workmen's Compensation Act, has been drafted and has remained on the statute books." You say, what did we do about it? I refer you again to Bill No. 1 of 2001, which has done a comprehensive review of how you would compute; how you would access the kind of benefit that an injured person would get, for the teachers, for the civil service, for all other workers.

Madam Deputy Speaker, indeed we would be proposing substantial amendments, if the Minister will not defer this debate for us to have further consultation. We have substantial amendments which we will table at the appropriate committee stage, to ensure that the teachers are really going to be compensated for injury or death which may arise in the course of their employment.

So here we are, you go under the workmen's schedule; let me go to that and tell you what has happened with that when you come to the second report of this committee. Listen to what the committee is saying—they did two reports by the way. They are supposed to do one every year. They did one for 2001 which came in 2002 and the last report for the period December 31, 2006, that was laid in Parliament sometime last year. That is their second report, but look at what is happening here now. Protective Services Compensation Committee, list of claimants, October 21, 2005—December 31, 2006. Here it is:

- “1. Police Constable No. 15671, Hudson McClatchie. The Act allows for the award of compensation for lost total use of a limb or have actually lost the limb only.

Committee had to dismiss case.

2. Police Constable, No. 11493, Kemarj Suchit. The Act allows for the award of compensation for lost total use of a limb or have actually lost the limb only.

Committee had to dismiss case.

3. Police Constable, No. 14303, Ricoy Zephyrine. The Act allows for the award of compensation for lost total use of a limb or have actually lost the limb only.

Committee had to dismiss case.”

Why is that happening? I would go through here—87. I will not bore you, Madam Deputy Speaker. Eighty-seven cases just had to be thrown out. Why? Because of that formula that was lifted from the Workmen's Compensation Act, Schedule II which is totally outdated, and therefore, you have people suffering other kinds of disability, but not those mentioned. Let me tell you what that Schedule II does because people will understand. Then you will understand how it is that this Bill that we are attempting to pass will not give adequate compensation to persons in the teaching service who are injured or who died.

All they can get for it is this:

- loss of two limbs, 100 per cent incapacity;
- loss of both hands or all fingers or both thumbs, 100 per cent;
- total loss of sight, 100 per cent;
- total paralysis, 100 per cent;
- injuries resulting in being bedridden permanently, 100 per cent;
- any other injury causing permanent total disablement, 100 per cent;
- loss of remaining eye, by one eye workman, 100 per cent;
- loss of remaining arm, by one arm workman, 100 per cent.

So we are talking about losing a limb or an eye or one of your organs, that is what it is dealing with. But there are other kinds of injuries where you may not lose the limb, you may damage your hip, but you cannot walk. You are not bedridden, but you are severely damaged, whether partially, or whether your side is a partial disablement or a total disablement.

I am saying once again, Workmen's Compensation Act, 1960 legislation, was completely revised in that comprehensive review of Bill No. 1 of 2001 which our

colleagues will expand upon to show how this cannot work. So it is only if the teacher goes and loses a hand or a foot or so on, it is only then you are going to get compensation. The Bill does not cover anything about diseases, for example; and we will come to occupational diseases. Nothing! Again, Bill No. 1 of 2001 took into account occupational diseases. Everything is in there; if you wanted to copy UNC's legislation, why did you not take Bill No. 1 of 2001, [*Desk thumping*] which was a comprehensive review? Why go back and take the protective services which you knew, as I am saying from this report to Parliament, has severe constraints and limitations because of what you are doing. It is going to be a good PR exercise to say we are compensating teachers, when in effect it is only a minuscule number who would be able to benefit and the rest will still be out there without compensation.

So here we are, we will continue on the limitations and I am saying I can read here from the 2006 report, the 2007 report would have been produced on December 31 of last year, not yet in the Parliament. So here we are, 87 officers, nothing for you because of that formula about the Workmen's Compensation Act, Schedule II which they have repeated in the Bill being debated.

3.30 p.m.

From the report again of the committee:

“(iii) Section 14(2) of the Act sets out that the Committee shall be bound by the rules of evidence applicable to a court of civil jurisdiction under the Summary Courts Act.”

That is exactly what we have in the Bill before this House; exactly the provision that you will be hearing this matter “bound by the rules of evidence applicable to a court of civil jurisdiction under the Summary Court Act”.

I really would like to know when they drafted it whether they looked at this while they were copying it to see what people had to say about it. You would be amazed to hear what the committee said.

“This appears to have been an oversight on the part of the drafters of the Act, since the summary civil jurisdiction is governed by the Petty Civil Courts Act and not the Summary Courts Act.”

I am sure, Madam Deputy Speaker, as an attorney yourself, you would appreciate that right away. Here we have repeated something; we are going to give this the same kind of jurisdiction under the civil jurisdiction or Summary Courts Act, when that is not the Act which deals with the civil jurisdiction. It is

instead the Petty Civil Courts Act. The committee was very kind; it said that maybe it was an oversight; it obviously had to be an oversight. True advertence those nice phrases wield, but that was then.

We did that within the first six months; we are here 12 years later. We have a report pointing out the problem in 2001 and we copy it back and put it down here. Further, we have Bill No. 1 of 2001, which is the Employment, Injury and Disability Bill that covers all these problems.

It says further:

“Need for an indemnity to provide for members of the Committee in relation to their deliberations.”

Again, that is the normal way a committee is set up under statute when making decisions of this judicial nature. They are given indemnity so that you do not hold them personally liable; that is done for persons who serve in this manner. Again, that should have been included here to protect members of that committee.

Since 2001 you have had the Protective Services (Compensation) Act; you had problems identified with it since 2001, but you copy every word and bring it back 12 years later, not taking into account these kinds of problems. When they were copying it, the most amazing thing is that they did not even take a look to see if this thing could hold up as it is. You copied it, so you should have spotted that error—not an error, but events that have overtaken it.

In the Protective Services (Compensation) Act it says that this law is for members under the Police Service Act, Chap. 15:01, in the First Schedule. This Act applies to members of the protective services.

“‘Protective Services’ means the services established by the Acts listed in the First Schedule.”

When we go to the First Schedule it says:

“The Police Service Act, Chap. 15:01”

Madam Deputy Speaker, you would recall in this honourable Chamber the months and years of blaming the UNC to pass a new package of police legislation. All the advertisements, all the hullabaloo, staying here to the wee hours of the morning to pass it; and we passed it. So we have repealed Chap. 15:01; it, therefore, means that the law has stood since the repeal of that legislation. I will read you the section from the Police Service Act, No. 7 of 2006. It says in section 80:

“80. The Police Service Act is repealed.	Repeal
	Chap. 15:01”

This Act No. 7 of 2006 repealed the existing Police Service Act. So now the committee has no jurisdiction; no member of the police service can apply for compensation under this.

Why did you not see that when you were copying it? "You know we need to change it, because we have now repealed that Act completely." Since Act No. 7 of 2006 came into force, the new package, the committee had no jurisdiction, and no officer was entitled to gain compensation or benefits under this Act. Can we please amend this as fast as we can, so that these police officers can get the compensation that is their just due? You would have seen that; you were copying word for word; so many of you were in the Chamber when we passed those police Bills, and in your Legislative Review Committee. [*Interruption*]

Mr. Dumas: It was a collective mistake; including you.

Mrs. K. Persad-Bissessar: Including mine? I do not agree with that; if you would explain that. It is only in 2006 when we repealed the Police Service Act that would have gone from here; and you needed to amend it. So when it said Chap. 15:01, at that time in 1996/1997 it was correct. It was in 2006 when we repealed Chap. 15:01; this would no longer apply.

Mr. Ramnath: You are not advising your Minister.

Mrs. K. Persad-Bissessar: You copied this; there were errors in it that you did not correct; you copied it with the problems of the working of it and you said, "Well, okay, that is your fault; you all passed that." I want to make it very clear that Bill No. 1 of 2001 was the attempt by the UNC to give comprehensive coverage to all workers.

In doing that, I recall the Ministry of Labour, under the then Minister Mr. Harry Partap, had a tripartite committee that talked about the issue of compensation. The Employment Injury and Disability Benefits Bill, 2001 was laid in the Senate on January 12. You had representatives of almost every organization: the Ministry of Labour; the Chambers of Industry and Commerce; the Tobago House of Assembly (THA); the Employers' Consultative Association and from NATUC. There were several representatives from NATUC: John Jaglal, Jennifer Baptiste, Errol McLeod, Aldwyn Brewster, and Vincent Cabrera. Again, my colleague will elaborate, but I am using that to make a point. In developing Bill No. 1 of 2001, the very comprehensive legislative attempt to give proper compensation to workers, it was not done with the Minister sitting in his office. There was widespread compensation and, indeed, a committee which sat, from time to time, to look at it.

That committee made certain recommendations. It is important, because I know you would want to say to me, "Well, Member, you passed a Protective Services Bill; there were problems with it and you did nothing." I am saying that we had Bill No. 1 of 2001. The Tripartite Committee made certain recommendations. They said that we should keep the Protective Services (Compensation) Act; that we should pass No. 1 of 2001 for everybody else and that we should review the Protective Services Act, from time to time, to bring it in keeping with what was contained in Bill No. 1 of 2001. Of course, the report from that committee came 1996/1997 for review of it. The report of the Compensation Committee in which they outlined the shortcomings of the Protective Services Act came at the end of 2001 when we had already demitted office.

I am asking Members respectfully on the other side to pay very serious attention to Bill No. 1 of 2001, to see how we can marry the provisions there with the Bill now before this House. I do not want us to lose the teachers' compensation. I do not want us to say, "Well, let us put away the teachers' compensation part of it until we can look at Bill 2001 and do it for everybody." No, let the teachers' part go ahead. You made that decision, they deserve it, the schools are war zones, they are being damaged, threatened and are under fire, just like the rest of the society. Let us go with it.

In going with it, we need to seriously strengthen it. We do not have to reinvent the wheel. This was drafted by a government department, the Chief Parliamentary Counsel, in conjunction with that committee of very serious persons, experts in the field and, therefore, we can use some of their provisions. For example, we can start by looking at some of the concerns raised with respect to the Bill before this House. One of them had to do with the fact that this Bill does not take into account anything to do with diseases. So a teacher ends up in there, contracts a disease related to work, arising out of the course of employment, but there is no compensation under this Bill for that teacher.

We can find right away in Bill No. 1 of 2001, the wording which we will propose as an amendment in the committee stage to allow teachers to also get compensation if diseases are contracted on the job. We must be very serious about it, because there are very typical work-related illnesses with respect to teachers. I am sure the Minister is aware of some of these as Minister of Education:

“...stress, infections, dermatitis, asthma, ‘vibration white finger’, upper limb disorders, spine/back disorders and hearing loss. These illnesses are contained in the recent report of the UK based Health and Safety Executive study of the work related ill health and injuries in education.”

The report noted that the incidence was a mere 4.1 per cent per 100,000 of these kinds of injuries in the UK. We have no statistics here. [*Interruption*]

Mr. Chairman: The speaking time of the hon. Member for Siparia has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Mr. R. L. Maharaj SC*]

Question put and agreed to.

Mrs. K. Persad-Bissessar: Madam Deputy Speaker, compensation for diseases should be included in this Bill as well. I will ask the hon. Minister to consider that as another area we can include, and make these provisions better for the teachers. We had the drafting done by the CPC, done by the committee, done by the experts in Bill No. 1 of 2001, all covering diseases.

Yesterday when we spoke with representatives of the teaching profession, from one of the teachers, not from the TTUTA representatives—I will not disclose his name—I understand that they were very worried, hon. Opposition Leader, about coming to the Opposition office for consultations. Again, I am reporting as is; one teacher from the group said that there were seven of them and all seven said, "Boy, we are not going there for any consultation." [*Crosstalk*] To the Office of Leader of the Opposition. They were not going because they were afraid to be seen going into the office of a UNC Member to meet with the Opposition. Indeed, when the media came in at one point, one of the gentlemen go up and left the room. He said that he did not want his face on the camera.

Mr. B. Panday: A culture of victimization!

Mrs. K. Persad-Bissessar: That is why I am asking for you to send them the Bill. Stand the Bill down and let the teachers have proper input into the drafting. Let us get proper protection for them.

I was talking about diseases not being accounted for. Bill No. 1 of 2001 clearly would have that included. When we look at areas that have to do with the way in which we compute the compensation, again you would see the words, "arising out of or in the course of employment". That has been a term in law that has given the courts and litigants endless worries in terms of particular facts scenarios. Let us not put the burden of proof on the worker, on the teacher; let us put the burden of proof where it truly lies, on the State.

We did that in the 2001 Bill, where we shifted the burden of proof. We said that if it happened on the job, you bring the fact situation and so on, and it would be presumed that it arose in the course of the employment unless the contrary was

shown. That was agreed upon by the 40 members of the committee. My colleague will go through the details of that. So you have in there, for example, in clause 15(3) of Bill No. 1:

“When an employee is found dead at a place where the employee was permitted during the course of employment to be, it shall be presumed that his death was the result of personal injury by accident arising out of and during the course of his employment, unless there is evidence sufficient to rebut the presumption.”

3.45 p.m.

So what you are doing is shifting the burden of proof from this injured worker to the other side to say: “unless you can prove otherwise...” If the man is at his workplace during working hours, we would presume that it has happened at his workplace.

“15(4). Where the accident arose out of the employment, unless the contrary is shown, it shall be presumed that it occurred during the course of employment, and when the accident occurred during the course of employment, unless the contrary is shown, it shall be presumed that it arose out of the employment.”

The presumption, the burden of proof then is you come to displace the presumption that it happened during the course of employment. I see the Member for Tobago East is nodding his head because he was involved with OSHA and he will understand what we are saying. It is true because you cannot go with the worker having to prove that this was during the course of his employment because if it happened at the work site, during the school hours, the presumption is there and, therefore, you shift the burden. Show me different that it was not in the course of his employment.

We had also—and this is very important in that Bill, clause 15(6):

“Where an employee is required as a condition of his employment to attend any classes or take any course of instruction, the classes or course of instruction shall, for the purpose of this Act, be deemed to be part of the employment.”

We need to put that in for teachers. They go all over the place for training and for courses and out of an abundance of caution, you would ensure that if an accident or something happens there, they will be covered. [*Desk thumping*] They go for classes of instruction.

We have clause 16(1) which says:

“Where an employee suffers disablement from or because of any disease which is deemed by the Regulations to be caused by employment in certain processes...”

You may make a claim. We can put it into the Bill before us to give them protection for occupational diseases arising.

Mr. B. Panday: Do you remember the time with the asbestos?

Mrs. K. Persad-Bissessar: The asbestos. That is very true and asbestos-related diseases sometimes take up to 40 years or thereafter to appear.

We come to clause 17 of that which I am asking to put into this legislation. You have for making of claims four years in your present law, but when it comes to injury you have one year. I want to respectfully suggest, Madam Deputy Speaker, because even the protective services provision likewise, the committee there said that was too short and what we did in Bill No. 1 in 2001, we made it flexible, notwithstanding section 1.

If the claim is made to the board later than the four years, the board will pay benefits if the employee gives notice of the application if the claim is a just one. So you are now penalizing people. For some reason they may not have filed a claim; they may still be able to make an application and say this is a just claim, I had given notice of this accident and, therefore, consider my claim. Do not penalize. Do not shut them out. You are dealing with employees of the State, a very important sector, the teachers in the community who hold our children in their hands. We have entrusted our children to these teachers, therefore, we need to give them that comfort to know, listen, we will not stick to the letter of the law. It is the strict letter of the law when you are litigating adversarial system, in the courts of the land. What you are saying is one or four years and after that, forget it.

Even now there are a lot of judicial activities in that regard where judges have started to interpret the said four years to go behind the four years and say; this is a just case. But we do not want to put that pressure again so therefore, you place it in the legislation to say, if you come out of the four years of claims for death, we are going to consider it, give notice or the claim is a just one and, therefore let us consider your case on its merits, not a technicality.

It goes further. You have where claims to be made for personal injury—one year, and for death four years which in the education compensation we have shown where we can have that in a flexible manner to allow; not to close the gate

to the four years but allow just cases to be compensated. Similarly, where you are saying for personal injury we need to be able to say to them this is a just case, you do not come in the one year, but it is a just case, I give notice so let us amend it to put that in.

With respect to claims and their limitations, I have talked about the fact that we need to include diseases within this. I have talked about how we must work with respect to—and I will go further into that now. We were looking at the Workmen’s Compensation Act which I said does not take into account a host of injuries and, therefore, these people will not be able to get benefits and so I will commend clause 21 of Bill No. 1 of 2001 which deals with how to assess benefits for permanent total disability, permanent partial disability and further gives benefit for temporary disabilities. We need to do that.

What is temporary? Permanent means 100 per cent disabled never to come back, so because it is temporary and we ask for six months you say no compensation. We should have compensation for temporary disability. If a teacher falls through the flooring because they repair the school and so forth, and because he or she did not lose a limb, a finger or an eye, what happens when that teacher cannot function for three or six months as the case may be? We need to have temporary disability and we have the wording for you in Bill No. 1, 2001 which we will commend to you.

We continue with some of those diseases to limitation period, burden of proof and the disability benefits. The teachers raised it and I am concerned about it. In this present Bill, you are saying if you are not satisfied with the ruling of the committee, the teacher could then go to the Court of Appeal. Why leapfrog to the Court of Appeal? Why put that added cost? You are saying let us have somebody else because you want a check and balance. If the teacher is biased, you do not like the teacher and you give him a bad report, or for whatever reason it may happen we can say you can go up to the Court of Appeal. I want to respectfully suggest that we do not do that and instead amend the legislation to go for judicial review before the Industrial Court. That is what I will suggest. [*Desk thumping*]

I am not reinventing the wheel; it is what the UNC proposed in Bill No. 1 in 2001.

- “29(1) Where an employer, or an employee or his dependant is dissatisfied with the decision of the Board, he may apply to the Court for a review of the decision and the court may confirm, vary or reverse the decision.
- (2) The Court may establish a division in accordance with the Industrial Relations Act...

Mr. B. Panday: It is a superior court of record.

Mrs. K. Persad-Bissessar: It is a superior court of record but you do not have the cost, and, of course, workers will be familiar with the cost. Go to the Industrial Court. Let us amend this Bill.

Mr. Maharaj SC: Or go to the Court of Appeal.

Mrs. K. Persad-Bissessar: You can still go to the Court of Appeal if you are dissatisfied with the Industrial Court, but that is not your first recourse. Your first recourse is the Industrial Court, which you are familiar with and where we deal with workers in this country. So let us amend it. I am saying in principle you copied this 12 years ago—why did you not take it from Bill No. 1, 2001, comprehensive workers compensation. So we need to look at that area of going to the Court of Appeal.

I think I have 17 more minutes and my colleague will spend some more time on Bill No. 1 of 2001; it was his brainchild together with the other persons in his ministry and we can use those four amendments.

I want to make the further point about other workers in the country. We will talk about protective services, here we are pulling the teachers out separately and saying let us provide for them, but what about the thousands of public servants in the civil service? Again, Bill No. 1 of 2001 was going to take care of every worker in this country, and the Minister of Labour and Small and Micro Enterprise Development will need to look at those. You still have the outdated workmen's compensation law applying to the civil service, as you have something special for the protective services, you now have something for teachers, nothing is wrong with that, but I ask of you: what about the others?

I ask that in all seriousness, because in the *Trinidad Newsday* of Thursday, February 14, 2008 it says: “3,000 job accidents”. We are not talking now in the state sector among teachers and civil servants; that is out there. What about those workers? Wednesday, January 16, 2008 “Worker injured in explosion”; “Poor safety blamed for worker’s death” the *Trinidad Guardian* of Monday December 10, 2007 By Anika Gumbs-Sandiford and Radhica Sookraj; “Worker dies after oil accident”, the *Trinidad Newsday*, Monday, December 10, 2007; “Mittal Steel workers down tools in safety protest”, the *Trinidad Guardian of Thursday January 12, 2006*; “Injured Trinmar worker dies”, the *Trinidad Guardian*, Saturday September 18 2004; “Man dies after accident on the job”, *Trinidad Newsday*, Friday, November 23, 2007; “Dead worker had no safety harness”, Thursday, January 31 2008; “Blast victim awaits Govt word on \$\$”, the *Trinidad*

Guardian, Saturday July 23, 2005; “Worker falls 15 feet to death”, Monday, December 10 2007. These were headlines over the last couple of months so we need to look at what we are doing for other workers in this country.

As I say that, I hope that what we are doing today, an improved version, will not suffer the fate of something called the Criminal Injuries Compensation Act which the UNC had passed in 2000 to protect the victims of crime and that is such an important piece of legislation given the horrific increases we have seen in crime; there are so many victims out there because of Government’s failure to handle crime. It was passed in 2000 and proclaimed sometime thereafter whilst we were still in office and then the events that transpired, the last incarnation of this government in office.

From then until somewhere in 2006 they would not appoint a board, did not appoint a board, so victims had nowhere to file their applications. In an article written by Yvonne Baboolal in the *Trinidad Guardian* of Sunday May 27, 2007, “In search of the missing unit”, we had to file a court case on behalf of Loutie Ramcharan, the wife of a murder victim to get the Government to honour its legislative duty to act in consonance with its duty on the statute to appoint the Board and it only appointed the Board after Justice Mayers ordered that the Board be appointed which was done in May, 2006.

Do you know what has happened since then, they appointed the Board, but not a single person has received a cent in compensation from the Board. The unit is missing, you cannot find them but they are collecting pay since May, 2006. I looked in the Draft Estimates and I see they are paid for work they do on these committees.

From 2006 to now, not a single claim has been processed and not a cent has been paid, and to assist constituents and victims of crime I filed 21 applications on their behalf. Two days ago I sent to enquire what is the status and, of course, not one. I called the persons involved and they have not received any acknowledgement or letter. They received nothing from 2000 to 2008, seven years later, you cannot implement the Criminal Injuries Compensation law, so do we expect you to implement this one relating to teachers? I think not, and I will tell you why I think so.

You come here in January to do all kinds of supplementary appropriation and so forth. When one looks at the Draft Estimates of Expenditure, there is absolutely not one cent provided for honouring any claims that may be made under the Teaching Service (Compensation) Bill.

Mr. S. Panday: Is that true?

Mrs. K. Persad-Bissessar: It is true. I went through the books and there is nothing said and with the protective services as well. I say that because if you look at the Teaching Service (Compensation) Bill clause 3(2) says: “Any award of compensation under this Act shall be a charge on the Consolidated Fund.”

4.00 p.m.

But you have made absolutely no allocation in your estimates. So what are you going to charge on the Consolidated Fund? When you are finished with this, you have to come back to Parliament now and say: “Look, let us charge this against the fund because we want to pay teachers.” So you are not going to implement it, as you have done with so many other pieces of legislation.

Tell us then: How much do you estimate—that is why I asked the Minister about statistics—that you will have to pay out? And you have made it retroactive to 2005, so you must have an idea from 2005 until now, how many persons may be making claims. You should have an idea to be able to budget, to plan. But you have done absolutely nothing in here to allocate moneys.

You know, they did the same thing with the protective services. I looked at the draft estimates for the last budget and I saw there, under the Ministry of National Security, again, there was no allocation. But what they did—I discovered from the report—is that they did it under something called “Current Transfers and Subsidies”—*ex gratia* awards. A statutory award is not an *ex gratia* award. Therefore, you say it is a charge against the Consolidated Fund; you must make a provision and have it listed—the amount inside the estimates that you are going to put it for. [*Desk thumping*]

So you did not do it for the protective services and, most certainly, you did not do it here. But what is even worse for the protective services under the Ministry of National Security, you have been using that vote under *ex gratia* awards to pay for these compensation claims, but, you know, the report for 2006 said they had paid out in excess of \$2.3 million in claims for that year, 2006. But, you know, in the vote again, in last year's estimate for 2008, only \$1.3 million is allocated. So you are using the wrong vote in the first place; you are not allocating any moneys; you dive into somebody else's vote and you still do not put sufficient money inside that vote to satisfy claims. So people have to sit and wait for years and years because of your failure and your negligence in implementing those things you talked about and you promised.

I talked about the case of the missing unit, but what is even worse is when you talk about the case of the missing schools. So as I close, I just feel it is very

important, because some of these schools are in my own area and I know in colleagues' as well. You may recall last year, November 2007, there were three full pages of advertisements telling us that 22 primary schools were constructed or under construction. You know, I drive up and down the Penal Rock Road every single day and not a single thing has been done to that Penal Rock Road Hindu School. I called my colleague from Naparima earlier today—Lengua Presbyterian is listed as constructed or under construction and I am told that not a single brick, not a stone, nothing has been done, but it was advertised as constructed or under construction.

Kanhai Presbyterian School takes the cake. Here we have parents—so it is not just me telling you. Here is a report in the newspaper: “Parents protest deceptive ads”—January 17, 2008, carried in the *Trinidad Guardian* by Anika Gumbs-Sandiford. It states:

“Parents of pupils attending the Kanhai Presbyterian Primary School are calling on the Ministry of Education to look into allegations of impropriety concerning the purported refurbishment of the school.

This call was made in response to an advertisement in a daily newspaper, which listed the school as one of the primary schools constructed between 2002 and 2007.”

This is a copy of the advertisement. It is there. And here are these parents protesting and saying:

“...parents said refurbishment work had not started in the school.

The parents are calling on the ministry to come clean and say whether designs and tendering had been done for the school.

‘We want a new school now’,...’

That was their chant. So there it is. My colleague from Arouca/Maloney on the last day was talking about “false lies”. Advertising the thing, man! The Member coined that in the parliamentary sitting on the last occasion.

So Penal Rock Road Hindu School, nothing done; Kanhai Presbyterian—saying constructed—nothing done; Rousillac Hindu, nothing done; Lengua Presbyterian, nothing done. There are others; it is just that I did not get around to doing all of them, but my colleagues will look at the list and see in their own areas that these schools that they are boasting that they built are really just thousands of dollars of false lies in these advertisements—thousands of dollars spent here.

Then you have the case of the missing children. Here it is, statistics presented to UNESCO by the Ministry of Education and what we are finding out is, whilst we are saying we have universal primary education, and so on, this table from UNESCO statistics tells us—the UNESCO Institute for Statistics last year published some of their findings from their 2005 survey. What they are saying is that children were missing from preschool in 2005; children were missing in primary schools. The Government said that 85 per cent of children are enrolled in preschools. It must be borne in mind that these figures were generated in 2005. This then brings into question the issue of why there was need to build these 600 centres. Again, in the advertisement they are boasting about building 600 centres. At that point in time, in the entire six years in office, they had built only eight of those preschools, with the repeated promise every year to build these early childhood centres.

So here we are, another “false lie”, from your own statistics presented to UNESCO of 85 per cent preschools. Where are these 600 preschools? Why are we building these 600? Where are they going to fit? So 80 per cent are enrolled in preschools. That is okay. You say you re now getting your preschools so the 15 per cent that is missing out of school, you are saying it is not your responsibility yet.

Let us talk about primary schools. When we look at the statistics, we see that in 2005, compared to the previous year, there is a 2 per cent drop when we come down to the 2005 figures, from 1994 figures and 1999 figures and so on. So we see 15 per cent of children in this country do not benefit from primary education. We are being told there are 85 per cent of girls and 85 per cent of boys in primary schools. That is how the statistic is given. But the converse of that is: where are the other 15 per cent? They are not in schools. Fifteen per cent of our primary school children are not in schools. Where are they? They are missing from the system—primary school children! Where are they? And what are we doing to get them into the system? I recall that the Education Act clearly says that there is compulsory education up to a certain age. What are we doing? Where are these children? Who cares about them? So 15 per cent of boys and 15 per cent of girls are not in schools.

Then we come to the secondary schools: 64 per cent of male students of school age are enrolled. What does it mean? Thirty-six per cent of boys of secondary school age are out of school. Why is that? Where are they? Where are these missing children? Three out of every 10 children are fully out of the education system by the time they have reached secondary school. You are talking from 11-plus to 17! Three out of every 10! You want to talk about crime on the streets and crime everywhere? When you are dealing with crime, it is not

about ex post facto; it is not after the crime you go and lock them up. That is only one aspect. Crime has to be dealt with before that.

As I close in these two minutes, I am saying, firstly, this debate should be adjourned to allow proper consultation with the stakeholders. In addition to that, or instead of that—either way—substantial amendments be tabled along the lines of Bill No. 1 of 2001 to give a more comprehensive formula for compensating teachers who are injured arising out of their employment. Time will not permit me, but I really would have liked to say one thing. We still have the case of the missing heads and deans in the schools and we still have the case of the missing guidance officers in the schools. So you have the missing children, the missing unit, the missing guidance officers, the missing supervisors. Therefore, I would ask the hon. Minister at some other occasion to deal with those, but certainly to take our concerns on board.

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

The Minister of Information (Hon. Neil Parsanlal): Madam Deputy Speaker, as the Member of Parliament for the constituency of Lopinot/Bon Air West, I thank you for the opportunity to make my contribution today. Before I begin, though, I think it would be remiss of me not to embrace the opportunity to extend, perhaps belatedly, to the Member opposite, a happy Valentine's [*Desk thumping*] and to Madam Deputy Speaker as well.

Mrs. Persad-Bissessar: And to the Members on your side.

Hon. N. Parsanlal: I trust that the Member for Siparia's day yesterday was well spent as only a grandmother, mother, friend and wife could spend.

Mrs. Persad-Bissessar: Thank you very much.

Hon. N. Parsanlal: You are most welcome. [*Interruption*] I will get to that consultation just now.

As we begin to speak on this, I think it is important for us to place a number of things in particular perspective. The first is the labelling of our schools as "war zones" by the hon. Member opposite and the attempt to make the point that our schools are in such a bad way and the Ministry of Education is not doing anything about it.

I want to quote from the same report, perhaps, that she was reading from, which says that, having increased its understanding of the violence and indiscipline in the school, the Ministry of Education has done the following:

there are, in fact, 102 student councils in 102 secondary schools and they have been established out of 135 secondary schools. So out of 135 secondary schools we have 102 student councils. We have 170 trained safety officers in 85 secondary schools. The Student Support Services Division has been established and 59 secondary schools now have guidance officers and for the first time school social workers have been introduced into the system and now there are 41 of them providing services at approximately 90 primary schools. All thanks to the diligence of the Ministry of Education over the last five years under the astute administration of the People's National Movement. [*Desk thumping*]

The Member spoke *sotto voce* of the missing deans and heads of departments. I am sure she would be happy to know that the process of appointing them has begun indeed, and there are many in your constituency as well who have so been appointed.

Mrs. Persad-Bissessar: Twenty per cent of 791.

Hon. N. Parsanlal: The Member also asked about the teachers and where are the missing students. I want to tell her that a comprehensive look at violence and indiscipline in school has, in fact, been undertaken and we are in the process of dealing with them; we will continue to deal with them and those that are missing are, in fact, not missing. They might not be in the quantity that you would like at this point in time, but the process has, in fact, begun. I just wish to give you that assurance today.

There is another point that the Member for Siparia raised, and I know that it is dear to her heart because she keeps coming back to it, and that is the work done by the previous administration in ensuring or purporting to have universal secondary education. The Member has made the point on more than one occasion, of what were we supposed to do and that, in fact, the PNM were the criminal ones in not placing these students. But it is a misunderstanding—and we pointed it out on the last occasion but I will do so again because she raised the point again this time. It is a misinterpretation of what the People's National Movement has been saying, because according to her—and I quote the *Hansard* of the last occasion, February 08, 2008 where she says:

“I remember the then Prime Minister, Mr. Panday, was very involved in the education thrust, and he had asked me to place every child in a school. I remember that. His concern was to ensure that not a child was left behind. In that Cabinet, I must admit that all Ministers who sat in that Cabinet gave their support for the education thrust to ensure universal secondary education in schools.”

She went on to say that if she had to do it all over again, she would do it.

4.15. p.m.

The point is not about the intent to ensure that every school child in Trinidad and Tobago has access to secondary education. That is a very laudable initiative. We on this side support that initiative. Where we part company is when in an unholy haste to ensure that the missive of the leader was put into place, schools were put on top of rum shops. We need to remember that. In an unholy haste to provide places for all, schools were placed on top of rum shops. Schools were placed on London Street in a building that had absolutely no ventilation and in other areas, that clearly, did not come up to scratch for what was needed, even for the very things the Member for Siparia has outlined. Schools were built and there were no playgrounds. These things would have put our teachers' lives in danger. In the absence of the legislation that we are bringing to the House today, nothing would have been done for the teachers who would have been so affected. [*Desk thumping*] As I stand here, I stand in total support of this piece of legislation. [*Interruption*] You had your way. Allow me, please.

When we look at this, it is important for us to understand that what happened in that case is symptomatic of the haste with which the previous administration rushed to pass legislation. We on this side have been left with a plethora of faulty legislation which in turn, we have to correct at every point in the day. No preparation at all. Everything the hon. Minister raised in her presentation points not only to the need for this legislation, but also that the police protection legislation was faulty. You are admitting that the legislation was faulty, in your haste to pass the legislation. When you speak about we are taking three months to cut and paste, the PNM prefers to err on the side of caution, so that generations to come after would not constantly have to be repealing bad legislation, as we have had to do, because of what you have done during your term in office. [*Desk thumping*]

As I indicated at the outset, I stand with a great degree of pride in supporting this Bill and what it purports to do. I think that there is general agreement that the intent of the Bill is laudable. That intent is to provide payment of compensation in respect of members of the teaching service who suffer injury or die in circumstances, arising out of and in the course of employment with the State. I stand in support of the Bill, moreso, because it represents another milestone in this Government's recognition of the inestimable value and worth of this country's 13,000 plus teachers. We can easily say that this Bill is the Government's Valentine gift to the teachers of this, our beloved country.

Because this Government recognizes the sacred role and responsibility of teachers in nurturing the minds of our future leaders, we bring this Bill to the

House today. I know of no one, and nobody has been able to say who will find grievous fault with this Bill. Not with all the posturing from the Member opposite, have they been able to find any real points of contention that cannot be treated with, in the course of a rational and dispassionate debate.

In keeping with the Government's commitment to openness and consultation, we did seek and have received the views of two of the key stakeholders in this issue. They are the National Parent-Teacher Association and the Trinidad and Tobago Unified Teachers' Association. We were able to consult with them without the full glare of flashing cameras, gallerying and KFC. Because of that we have their position. That is why we could say to the Members opposite, that although they have indicated their general support, the NPTA and TTUTA have raised some concerns and the Government is more than prepared to examine more closely what both these organizations have had to say in the course of our deliberations with them. We give the Members opposite the assurance, that during the tea break, as has been indicated by the Member for Diego Martin North/East, we would consult with them and decide post tea break, precisely what we will do at that juncture.

It is important for us to understand that even when we argue or talk about why it took 12 years or however long, how come it took so long, in whatever form, is there a bad time to bring legislation to this House that will compensate a teacher who has been injured, or worse, has died during the course of their duty? Is there a wrong time to demonstrate to teachers that the Government of Trinidad and Tobago cares about them and their welfare? Is it ever too late to ensure that our nation's teachers no longer have to worry about their affairs should they be injured or die in the line of duty? If it is a question of finances, are the Members opposite of the view that teachers are being paid too much, already? I am still trying to understand the nature of it. If that is the case, I say to them, that good teachers are costly, but bad teachers cost even more.

All of us in the House are here because someone took the time to teach us. Someone somewhere dedicated—[*Interruption*] I thought by coming to this House—and now I know that I should perish the thought, that as a new Member of Parliament, I would have been able to learn from the Member for Couva South. All that I have been hearing from him since I have been here are sneers and grumbling. What will this erstwhile Member who has been here for so long be able to teach us on this side, if that is the behaviour he demonstrates? Absolutely nothing! [*Desk thumping*] Perhaps, Member for Couva South, you should take a little advice from your colleague next door, the Member for Siparia, an honest and gracious woman, who perhaps should be your leader. [*Laughter*] I will say nothing more.

The fact that we can debate like this is because we have been taught. We have teachers and because of them all of us are here today. Even as I prepared for this debate, I could not help but reflect on those who have been instrumental in bringing me to the place where I am today. [*Interruption*] There he goes again, grumbling on the other side. “Let somebody like yuh for a change nah.” We do not offer red cards on this side, but “cool out nah.”

Madam Deputy Speaker, I am sure that you as the representative for Arima might be interested to know that I came from the Arima Boys Government School. There is where I met my first set of teachers and I am proud of that. Most of the nation’s teachers have been known to go way above and beyond the call of duty. That is why when we come today, we come prepared to ensure that teachers get their just due. We read the Bill. As the Member for Siparia indicated, our erstwhile Minister of Education took us through it clause by clause as well. Perhaps, you were not listening, Member for Couva South.

We have the absolute highest regard for the teachers of this country. Nobody on this side will ever call a teacher a criminal. [*Desk thumping*] It is because we hold our teachers in the highest regard. I do not know anybody who will make such a statement because anybody who makes such a statement, clearly, would not be thinking correctly.

Our teachers are often thrust into the roles of surrogate parents, counsellors, and confidants. All of us know what the value of our teaching fraternity has been. Just as we know that there are good politicians and bad politicians, so too, there are good teachers and bad teachers. I am sure that the Member for Caroni East might help us out there. That should not prevent us from focusing on what is good for the profession. That is what we are about this afternoon. Something that is good for the teaching profession.

It is important for us to place this Bill in its proper context or perspective. This Bill which seeks to provide compensation is, perhaps, the final piece in the compendium that would ensure that the benefits to teachers that this Government has methodically and carefully introduced for the vocation of teaching and is accorded the pride of place that it so richly deserves.

This is the kind of reform that is needed in the teaching service, one that addresses some of the most pressing needs and concerns of teachers and improves immeasurably upon an existing system. This is what will encourage the prestige of the profession. The compendium of benefits that I speak about refers to among other things, significant enhancement of the terms and conditions of our teachers engaged. No one can deny that the terms and conditions of teachers have been enhanced significantly, over the last five years.

The second part of that is the ongoing training and development of teachers. The Ministry of Education has also included the confidential Employee Assistance Programme (EAP) with counselling sessions and referrals are provided free of charge. Perhaps, the Member for Couva South might look to go into teaching. EAP services are provided.

Mr. Ramnath: I taught at one time.

Hon. N. Parsanlal: It was not there. Perhaps, you should go back so you would be provided with the EAP services. We all know how much it is needed.

There is the improvement of plant and machinery. The Member for Siparia spoke about what is not happening. I was present last week Saturday at the opening of one of those pre-schools in my constituency. I can tell you without fear of contradiction, how the money is spent on those pre-schools. I have no doubt about the value of those pre-schools; how many are being built; how many are completed and how many will be constructed. I have no doubt that by the time this administration is finished, those on the other side would see a level of change and transformation in this country, that this country and they have never seen in their lives. Today, I give you that assurance.

Madam Deputy Speaker: The sitting of this House is suspended. We will resume at exactly 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mr. Imbert: Madam Deputy Speaker, with deference to the matters raised by the Trinidad and Tobago Unified Teachers' Association (TTUTA), the Parent-Teacher Association and other parties with respect to this legislation, the Government will adjourn the debate at this time to consider the proposed amendments suggested by TTUTA.

ADJOURNMENT

The Minister of Works and Transport (Mr. Colm Imbert): Madam Deputy Speaker, I beg to move that this House do now adjourn to Friday, February 22 at 1.30 p.m. That day will be Private Members' Day and I ask the Opposition Chief Whip to let us know what matters will be addressed.

Mr. Maharaj SC: The Motion we started the debate on, on the last occasion—food prices.

Adjournment

Friday, February 15, 2008

Madam Deputy Speaker: Before putting the question on the motion for the adjournment, there is one—

Hon. C. Imbert: Madam Deputy Speaker, by agreement, we have deferred that until next week.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 5.02 p.m.