

*Joint Select Committee**Friday, March 13, 2009***HOUSE OF REPRESENTATIVES***Friday, March 13, 2009*

The House met at 1.30 p.m.

PRAYERS[MR. SPEAKER *in the Chair*]**JOINT SELECT COMMITTEE****Electronic Transactions Bill****(Appointment to)**

Mr. Speaker: Hon. Members, I have received a correspondence from Sen. the Hon. Danny Montano, President of the Senate and I shall read same. It is addressed to:

“The Hon. Barendra Sinanan, MP

Speaker of the House

Office of the Speaker

Office of the Parliament

The Red House

Abercromby Street

PORT OF SPAIN

Honourable Speaker,

Appointment of Members to Joint Select Committee

Your letter dated February 27, 2009 on the subject at caption refers.

At a sitting held on Tuesday March 10, 2009, the Senate agreed to the following resolution:

‘BE IT RESOLVED that this Senate appoint the following six (6) Senators to serve with an equal number from the House of Representatives on the Joint Select Committee established to consider and report on a Bill entitled, ‘The Data Protection Bill, 2009’:

Mr. Arnold Piggott;

Mr. Linus Rogers;

Ms. Laurel Lezama;

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Mr. Wade Mark;

Dr. Adesh Nanan;

Ms. Dana Seetahal, SC; and

BE IT FURTHER RESOLVED that this Committee be also empowered to consider and report on the Electronic Transactions Bill, 2009.

Accordingly, I respectfully request that you cause this matter to be placed before the House of Representatives at the earliest convenience.

Respectfully,

Sen. the Hon. Danny Montano

President of the Senate”

LEAVE OF ABSENCE

Mr. Speaker: I have received communication from the following Members requesting leave of absence from sittings of the House: the hon. Karen Nunez-Tesheira, Member of Parliament for D’Abadie/O’Meara, for the period March 12, 2009 to March 16, 2009; hon. Gary Hunt, Member of Parliament for Port of Spain North/St. Ann’s West for the period March 08, 2009 to March 15, 2009; hon. Alicia Hospedales, Member of Parliament for Arouca/Maloney for the period March 06, 2009 to March 20, 2009; and hon. Paula Gopee-Scoon, Member of Parliament for Point Fortin from today’s sitting of the House. The leave which these Members seek is granted.

PAPERS LAID

1. Annual audited financial statements of East Port of Spain Development Company Limited for the financial year ended September 30, 2006. [*The Minister of Works and Transport (Hon. Colm Imbert)*]
2. Annual audited financial statements of East Port of Spain Development Company Limited for the financial year ended September 30, 2007. [*Hon. C. Imbert*]

Papers 1 and 2 to be referred to the Public Accounts (Enterprises) Committee.

3. Annual report 2008 and the annual financial statements of the National Insurance Board of Trinidad and Tobago (NIBTT) for the financial year ended June 30, 2008. [*Hon. C. Imbert*]

To be referred to the Public Accounts Committee.

ORAL ANSWERS TO QUESTIONS

The Minister of Works and Transport (Hon Colm Imbert): Mr. Speaker, the Government is in a position to answer six of the questions on the Order Paper today as follows: Nos. 34, 36, 42, 43, 48 and 53 and I would ask for a deferral of two weeks on the others.

The following questions stood on the Order Paper:

**Families' Safety
(Freedom Street, Cocorite)**

- 35.** Could the hon. Minister of Planning, Housing and the Environment state:
- A) Whether four families at Freedom Street, Cocorite, whose homes were badly damaged during the December 2008 flood were forced to return to unsafe buildings, despite assurances from Government that alternative accommodation would be found for them?
 - B) What steps are being taken to assist these four families at Freedom Street, Cocorite to make their dwelling safe? [*Mr. H. Partap*]

**Caroni (1975) Limited
(Names and Locations of Squatting Communities)**

- 41.** Could the hon. Minister of Planning, Housing and the Environment State:
- a) the names and locations of squatting communities on lands formerly owned by Caroni (1975) Limited;
 - b) the total number of households in each squatting community; and
 - c) what is the authority that enables squatters to benefit from a supply of water and electricity? [*Mr. N. Baksh*]

**High-rise Building, Edinburgh 500, Chaguanas
(Apartment Distribution Details)**

- 47.** With respect to the high rise building being constructed in the vicinity of Edinburgh 500, Chaguanas, could the hon. Minister of Planning, Housing and the Environment state:
- a) when is distribution of the apartments expected to commence;
 - b) whether the recipients of these apartments have already been selected; and
 - c) if the answer to (b) is in the affirmative, how were the recipients selected? [*Dr. H. Rafeeq*]

**Housing Construction Mayaro/Rio Claro
(Completed/Unoccupied Units)**

- 50.** With respect to housing construction by the Housing Development Corporation in the Mayaro/Rio Claro region, could the hon. Minister of Planning, Housing and the Environment state:
- a) the total number of completed but unoccupied units in each Housing project; and
 - b) the number of applicants on the Ministry's database from the Mayaro/Rio Claro region? [*Mr. W. Peters*]

**Community Centres Mayaro/Rio Claro
(Names of Contractors)**

- 51.** With respect to the Community Centres Programme in the Mayaro/Rio Claro region, could the hon. Minister of Community Development, Culture and Gender Affairs state:
- a) the names of all contractors hired to undertake construction/refurbishment and enhancement works on each of these facilities;
 - b) the scope of works for each Community Centre; and
 - c) all works undertaken and the sums paid to each contractor to date? [*Mr. W. Peters*]

**Agricultural Access Roads
(Fiscal Year 2009)**

- 52.** With respect to fiscal year 2009, could the hon. Minister of Agriculture, Land and Marine Resources state:
- a) how many Agricultural Access Roads will be built and/or rehabilitated in the Princes Town Constituency in the area bounded on the North by the Guaracara Tabaquite Road, South by the Lengua Road, East by the San Pedro Road and on the West by Garth/Williamsville;
 - b) the exact location and name of each road;
 - c) the nature and scope of the rehabilitation to be undertaken on each road; and
 - d) the length of each road to be built? [*Mr. S. Panday*]
- Questions, by leave, deferred.*

**Swaha Hindu College
(Construction of)**

34. Mr. Harry Partap (*Cumuto/Manzanilla*) asked the hon. Minister of Education:

With respect to the construction of the Swaha Hindu College, Coalmine, Sangre Grande, could the Minister state:

- a) when will the school building be ready for occupancy by students;
- b) how much money was spent on the construction of this school as at December 31, 2008;
- c) whether the ministry is paying rent for the use of the Swaha Hindu Temple which is now housing the students assigned to the Swaha Hindu College;
- d) if the answer to (c) is in the affirmative, what was the total amount of money paid to the Swaha Hindu Temple as at December 31, 2008?

The Minister of Education (Hon. Esther Le Gendre): Mr. Speaker, the construction of the SWAHA Hindu College began on September 03, 2002 with construction being undertaken by SWAHA Construction Limited. Under the then existing arrangements with denominational boards, the Government was committed to providing two-thirds of the cost of construction with the board paying one-third. The ministry paid its full share of the cost which amounted to \$14,083,307, but for various reasons the SWAHA Board was unable to complete the construction of the school. This was because of problems associated with measurements, the costing of the works, delays in project execution and inadequate project management, all of which were the responsibility of the board.

An approach was subsequently made by the board to the Ministry of Education for financial support to complete the school. After various meetings, site visits and a review of works to be done, the Ministry and the board finally agreed on April 25, 2008 that the amount of \$16,006,354 was adequate to complete the school. It is also to be noted that the SWAHA Board on October 05, 2007 signed a new agreement with the Ministry of Education which includes full government funding for construction and repairs of denominational schools.

The board's obligations under this contract include inter alia that the board would adhere to the national curriculum, collaborate with the ministry in the operations and management of the school in accordance with the Education Act, policies and standards and use the building for a minimum of 50 years for

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the purpose of operating a school and for other purposes which, in the opinion of the denominational body, are educational, religious, charitable or developmental.

Subsequently, in August 2008, Cabinet agreed to the provision of funds in the amount of \$16,850,849 for the completion of the construction of the Sangre Grande SWAHA Hindu College and that the completion of the college be managed by the Education Facilities Company Limited.

In 2009, \$5 million was allocated and priority works will be undertaken to enable the school to open in September 2009. These priority works began in March and will be completed by July 31, 2009 and include the following: mechanical, electrical and plumbing works painting, external works including landscape and driveways.

The other works will be conducted and completed in the year 2009/2010 consequent on the provision of funds.

The estimated cost of construction of the school was \$21,413,451.03 VAT inclusive. The Government's two-thirds share of the cost amounted to \$14,083,307 and at December 2008, this amount was paid in full.

The Ministry of Education is not paying a rent to the SWAHA Hindu Temple for housing the students who are assigned to the SWAHA Hindu College. It is instructive to note that the Ministry of Education had never sought the use of the SWAHA Hindu Temple for housing students. The SWAHA Hindu Board on its own accord sought permission to establish a secondary school and began such a school on the premises of its temple. Thereafter, it approached the Ministry of Education to begin the construction of a secondary school in keeping with the cost-sharing arrangements which existed at the time.

Thank you.

Allocation of Government Housing Units (Revised Criteria of)

36. Mr. Harry Partap asked the hon. Minister of Planning, Housing and the Environment:

Could the Minister provide the House with the revised criteria for the allocation of Government housing units?

The Minister of Planning, Housing and the Environment (Sen. The Hon. Dr. Emily Dick-Forde): Mr. Speaker, the revised criteria for the allocation of government housing units are to be considered as potential beneficiaries under the

Government Housing Programme, applicants must fit the following criteria for selection:

- applicants must be citizens of Trinidad and Tobago and have been residing here for the last five years preceding the date of signing a statutory declaration;
- be 21 years and over;
- not be owner or part owner of property or land in Trinidad and Tobago;
- be first time homeowners; and
- the monthly combined income of the applicant or applicants must not exceed \$25,000.

Mr. Speaker, thank you.

Mr. Sharma: Hon. Minister, would you be able to tell this House how many persons have obtained houses or units and did not meet those criteria?

Mr. Speaker: Do you have the information?

Sen. The Hon. Dr. E. Dick-Forde: No.

**Multi-sector Skills Training Programme
(Number of Youths Trained)**

42. Mr. Nizam Baksh (*Naparima*) asked the hon. Minister of Science, Technology and Tertiary Education:

With respect to the Multi-sector Skills Training Programme (MuST), could the Minister state:

- a) the number of youths who were trained under the provision of this programme according to specific vocations;
- b) the distribution of the selection of persons according to constituencies; and
- c) the projects on which youths were employed and the total sum expended in stipends?

The Minister of State in the Ministry of Science, Technology and Tertiary Education (Hon. Fitzgerald Jeffrey): Mr. Speaker, the MuST Programme is a work-based training programme which was launched in July 2004. It targets nationals between the ages of 18—50 and is administered in five regions, four in Trinidad and one in Tobago in the occupational areas primarily of construction,

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hospitality and tourism. MuST trainees, at Level I, can be exposed to two different skill areas during the six-month period of training. At Level II, trainees are exposed to one skill area during the nine-month period of training.

Mr. Speaker, the number of persons trained according to specific vocations for Level I, cycles 1—78 for the period 2004—November 2008 are as follows:

Specific Vocation Construction	No. of Persons
Carpentry - Level I	1,846
Masonry - Level I	3,027
Welding - Level I	880
Plumbing - Level I	1,145
Domestic Electrical Installation - Level I	1,164
Industrial Electrical Installation - Level I	317
Tile Laying - Level I	912
Gypsum Installation - Level I	211
Construct Concrete Foundation - Level I	1,746
Blue Print Reading - Level I	187
Painting - Level I	2,720
Scaffolding - Level I	881
Administrative - Level I	61
Total	15,097

1.45 p.m.

Specific Vocation: Hospitality	No. Of Persons
Bartending—Level I	227
Housekeeping—Level I	336
Storekeeping—Level I	41
Bread, cake & pastry making—Level I	243
Front office—Level II	63

Specific Vocation: Hospitality	No. Of Persons
Waitering—Level I	494
Cake baking and decorating—Level I	179
Food preparation—Level I	1,091
Bellboy operations—Level I	20
Doorman operations—Level I	12
Property upkeep—Level I	39
Laundry services—Level I	103
Banqueting—Level I	67
Administration—Level I	48
Total	2,963

With respect to level II the number of persons trained according to specific vocations for cycles 1—4 for the period January 2007 to September 2008 is as follows:

Specific Vocation: Construction	No. Of Persons
Carpentry—Level II	162
Masonry—Level II	158
Welding—Level II	253
Plumbing—Level II	62
Electrical Installation—Level II	167
Air Conditioning	96
Subtotal	898
Auto and Diesel Mechanics	160
Total	1,058

Mr. Speaker, as indicated earlier, the programme is administered by regions and, as such, it is not broken down by constituencies. This distribution of persons trained by administrative areas for Levels I and II is as follows:

Regions	No. of persons			
	Construction	Auto and Diesel	Hospitality	Total
North West	2,715	0	974	3,689
North East	4,167	32	558	4,757
Central	4,678	48	565	5,291
South	4,019	80	509	4,608
Tobago	416	0	357	773
Total	15,995	160	2,963	19,118

Trainees have been assigned to 389 projects with industry partners. [Interruption] Construction and auto and diesel mechanics having 236 projects with industry partners and hospitality 153 projects with hospitality and tourism partners.

For level I the construction projects are as follows:—[Interruption] You all asked for it!

No.	Region	Contractor	Address	Project
1	Central	Adam's Project Management	Back of Bhagwansingh in Chaguanas	Warehouse Construction
2	Central	Adam's Project Management	Ozone Park, Chase Village, Chaguanas	Private Housing Construction
3	Central	Adam's Project Management	Couva Exchange Lots	HDC Housing
4	Central	Allan Stollmeyer Design	Monroe Flyover, Charlieville, Chaguanas	Warehouse Construction
5	Central	Bartholomew's Quarry	Cunupia Main Road	Private Housing Construction
6	Central	Bobby's Electrical	Arana Road, Freeport, Chaguanas	Government and Private Housing

No.	Region	Contractor	Address	Project
7	Central	CG Construction Services Ltd.	Edinburgh 500, Chaguanas	Private Housing Construction
8	Central	CG Construction Services Ltd.	Claxton Bay	Private Housing Construction
9	Central	Cam General Contractors	Edinburgh 500, Chaguanas	Government Housing
10	Central	Carillion Caribbean Ltd.	Waterloo Depot, Freeport	Welding at Carillion
11	Central	Carillion Caribbean Ltd.	Waterloo Road, Edinburgh 500, Chaguanas	Government Housing
12	Central	Central Engineering	Garahoo Street, Chase Village, Chaguanas	Welding at Factory
13	Central	Central General Construction	Lisas Avenue, Couva	Mall Construction
14	Central	Central General Construction	Chase Village, Chaguanas	Factory Construction
15	Central	Central General Engineering	Cunupia Village	Government Housing
16	Central	Central Marketing	Edinburgh 500	Housing Construction
17	Central	Chaguanas Auto Supplies	Edinburgh 500	HDC Housing
18	Central	Cummings & Associates	Edinburgh 500, Chaguanas	Government Housing
19	Central	Fitz Patrick Construction Ltd.	Lee Trace South, Jerningham, Cunupia	Private Housing Construction
20	Central	Flemming Joseph Construction Ltd.	Edinburgh 500, Chaguanas	Government Housing

No.	Region	Contractor	Address	Project
21	Central	H Lewis Construction	Edinburgh 500, Chaguanas	Government Housing
22	Central	HSMDT	Lange Park, Chaguanas	Private Housing Construction
23	Central	HW Construction	Edinburgh 500, Chaguanas	Government Housing
24	Central	Hark Work Ltd.	Edinburgh 500, Chaguanas	Government Housing
25	Central	Imcon Enterprise Ltd.	Exchange, Couva	Government Housing
26	Central	JR Construction	Freeport, Chaguanas	Private Housing Construction
27	Central	JR Contractors	Frederick Settlement, Caroni	Fabrication shops
28	Central	Kenny's Construction	Victoria Village, San Fernando	Private Housing Construction
29	Central	La Fortune Enterprise	Couva Exchange Lots	HDC Housing
30	Central	Logos Construction	Edinburgh 500, Chaguanas	Government Housing
31	Central	Luke's Electrical	St. Anthony's Park, Cunupia	Private Housing Construction
32	Central	Luke's Electrical	Edinburgh 500	Government Housing
33	Central	MNK Distributors	Exchange, Couva	HDC Housing
34	Central	MNK Distribution	Edinburgh 500, Chaguanas	Government Housing
35	Central	Ozone Park Ltd.	Gurahoo Road, Chase Village, Chaguanas	Private Housing Construction

No.	Region	Contractor	Address	Project
36	Central	Quali Serv	Edinburgh 500, Chaguanas	Private Housing Construction
37	Central	Roger's Fabrication	Mon Plasir Road, Cunupia	Private Housing
38	Central	Ronnie Ganga Construction	Coffee Street, San Fernando	Renovation of KFC
39	Central	Saint and Storm Investment	Warren Road, Cunupia	Private Housing Construction
40	Central	Saint and Storm Investment	Edinburgh 500, Chaguanas	Government Housing
41	Central	Shacon Ltd.	Edinburgh 500, Chaguanas	Government Housing
42	Central	Thomas Construction	Charlieville, Chaguanas	Warehouse Construction
43	Central	Trinidad Utility Contractors	Roystonia, Couva	Government Housing
44	Central	Trinrico	Reform, Williamsville	Construction at Trinrico
45	Central	Wellington & Sons Company Ltd.	Diamond Drive, Edinburgh 500	Government Housing

Total number of projects: 45

In the North East:

No.	Region	Contractor	Address	Project
1	North East	Alves Construction	Ottoire Village, Mayaro	HDC Single Houses
2	North East	Artistic Metal Works	Corner of St. Vincent St., Tunapuna	Workshop

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No.	Region	Contractor	Address	Project
3	North East	Bovell Contractors/ Malabar Farms	Malabar Road, Arima	Housing Construction
4	North East	Carillion Caribbean Limited, St. Augustine	St. John Road, St. Augustine	Dormitory Construction
5	North East	D. Jairam Construction	Resource Centre, Mayaro	Duplex Housing Construction
6	North East	Glen Victor Welding Works	Boodoo Circular, Sangre Grande	Welding Workshop
7	North East	HCL Arouca	Bon Air, Arouca	Apartment Construction
8	North East	HCL Trincity	Millennium Park, Trincity	Trincity Mall Extension
9	North East	HCL Trincity	East Gate on the Greens	Apartment Construction
10	North East	HCL Millennium Park	East Gate on the Greens, Trincity	High Rise Townhouses
11	North East	HCL Millennium Park	Millennium Park, Trincity	Condominium Construction
12	North East	Hammer Construction	Southern Main Road, Curepe	HDC Housing Construction
13	North East	Hammer Construction	Coryal, Cumuto	Coryal High School
14	North East	Inter Trade Construction	Guanapo, Rio Claro	NHA Houses
15	North East	Kee Chanona	UWI, Milner Hall	Construction of a Student Dormitories

No.	Region	Contractor	Address	Project
16	North East	Mattzack Construction	Sydney Street, Rio Claro	NHA Houses
17	North East	Moosai Development Construction	Arima Old Road, Arima	School Construction
18	North East	Multi Built Construction	Valsayn South	Houses and Multi Story Buildings
19	North East	NH International	Arima Old Road, Arima	Housing and Apartment Construction
20	North East	NR Construction Limited	Plaisant Road, Mayaro	HDC Single Houses
21	North East	NH International	UWI	Administration Building Construction
22	North East	Patch & Associates Enterprise Ltd.	36 Immortelle Crescent, Sangre Grande	HDC Houses
23	North East	Pentagon Construction	Arima	Complex Construction
24	North East	Perry Shade & AMW	Corner of St. Vincent St., Tunapuna	Warehouse Construction
25	North East	Randolph Williams Construction	Olton Road, Arima	Town Houses
26	North East	Romain Construction	Gordon Street, St. Augustine	Condominium
27	North East	Trinity Housing	Olton Road, Arima	Town Houses
28	North East	Universal Structures Ltd.	WASA, St. Joseph/ Caroni Water Treatment	Repairing WASA Company

No.	Region	Contractor	Address	Project
29	North East	West Atlantic Construction Ltd.	Tumpuna Road, Arima	HDC Single Houses
30	North East	West Atlantic Construction Ltd.	Crossings, Santa Rosa	Housing Construction
31	North East	WASA/Nardal Company Ltd.	Ramgoolie Trace, Curepe	Housing Construction
32	North East	West & Associates	Toco Main Road, Toco	Police Station Construction
33	North East	Allan Brammer & R. Brown	Trincity	Bishop Anstey East School

Total No. of projects in North East Region: 33

No.	Region	Contractor	Address	Project
1	North West	Adams Project Management	Industrial Estate, Petite Valley	Residential Houses
2	North West	Altex Construction Ltd.	Debe Road, Long Circular Road, St. James	Apartment Houses/ Condominiums
3	North West	Baze Construction	Between Charlotte and Nelson Streets	Building Construction
4	North West	Beaver Construction	Hayland Park, Maraval	Condominiums
5	North West	Beaver Construction	St. Clair Avenue, St. Clair	Construction of Republic Bank Loan Centre

2.00 p.m.

No.	Region	Contractor	Address	Project
6	North West	C.W. Fabricating Steel Bending	Viewfort, St. James	Condominiums

No.	Region	Contractor	Address	Project
7	North West	D.T.L. Property Development Ltd.	Rosalina Street, Woodbrook	Apartment Complexes
8	North West	Envirotec	Mount Hope	Mt. Hope Junior Secondary School Extension
9	North West	H. Lewis	Police Barracks, St. James.	Renovations of Police Barracks
10	North West	H.C.L., One Woodbrook Place	One Woodbrook Place	Condominiums
11	North West	Hosein Constructions	Opposite Aligico Building, St. Vincent St., Port of Spain	Warehouse Construction
12	North West	Kee Chanona Ltd.	Victoria Keyes, Diego Martin	Apartment complex
13	North West	Marina Haven	Dock Yard Chaguaramas	Welding Yard
14	North West	Montrichard Housing	Angola Park, Maraval	Housing Construction
15	North West	V-Tek Construction	Wainwright Street, St. Clair	Residential Houses
16	North West	V-Tek Construction	Mucurapo Road, Adjacent to Plumbing Solutions	Residential Houses

In the north-west region a total of 16 projects.

Mr. Speaker, in the south:

No.	Region	Contractor	Address	Project
1	South	Adam's Project Management	Marabella	Carpentry/Masonry/Tiling/Painting shop

No.	Region	Contractor	Address	Project
2	South	Adam's Project Management	Union Hall, Cross Crossing	HDC Housing Project
3	South	Airex	Vistabella	Air Conditioning Installation
4	South	Anthony Mitchell General Contractors	E Street, Cap-de-Ville, Point Fortin	Construction of apartment houses in Clifton Hill
5	South	API Pipeline	Fyzabad	Welding Shop
6	South	Ashana Construction	Siparia	Masonry and Construction Company
7	South	Atlantic Air	Duncan Village, San Fernando	Service and Installation Company
8	South	Atlas Engineering Ltd.	Harmony Hall Extension, Gasparillo	Construction of government houses in Harmony Hall
9	South	Bowlah Construction	California, Couva	Masonry/Carpentry and Construction Company
10	South	Bramco Ltd.	Southern Gardens, New Village, Point Fortin	HDC Housing Project
11	South	Bull Fabricators	Calcutta Road, Gasparillo	Fabricating and Welding Workshop
12	South	Caesars Contracting	Syne Village, Penal	Welding and Construction Company at various sites
13	South	Chattergoon	Aripero Village	Woodworking Shop

No.	Region	Contractor	Address	Project
14	South	Classic Roofing	Debe	Residential Housing Constructions
15	South	Climate Control	Gordon Street, San Fernando	Air Conditioning Installation
16	South	Construction and Technical Services	Carib Street, San Fernando	Concrete foundation works and Welding on Carib Street
17	South	Cool Control	Gulf View, San Fernando	Service and Installation Company
18	South	Cudjoe Construction	Victoria Village, San Fernando	Pipe Fabrication Shop
19	South	David Ramlal Contracting	La Romaine, San Fernando	Construction of Private Houses
20	South	E.C.P. Contractors	Debe	Electrical work at MS Food City Variety Store
21	South	E.C.P. Contractors	Marabella	Renovation of Republic Bank, Marabella
22	South	East Coast Drilling	Palo Seco	Painting/Masonry and Carpentry
23	South	F. Khan Machine Shop	Union Road, Marabella	Machine Shop
24	South	G. Boochoon & Sons	Cipero Street, San Fernando	Construction of Omeardeen's Building
25	South	Gasco Limited	Union Hall, Cross Crossing	Electrical & Carpentry Company
26	South	Gasco Limited	Buen Intento, Princes Town	HDC Housing

No.	Region	Contractor	Address	Project
27	South	H.J.R. Limited	Couva	HDC Housing Project
28	South	H.J Staubles	Marabella	Machine and Welding Shop
29	South	Hookmally Ali	Vance River	Construction of NP Service Station in Vance River
30	South	Hookmally Ali	Mon Repos	Mon Repos Gas Station and HDC Houses in Princes Town
31	South	Hookmally Ali	Gasparillo	Construction of NP Service Station in Gasparillo
32	South	I.A.L.	Cross Crossing	Machine Shop
33	South	I.T.L. Transport	Aripero Village	Machine Shop
34	South	Inland & Offshore	Aripero Village	Machine Shop
35	South	Innovative Ironworks	Reform Village, San Fernando	Welding and Painting Shop
36	South	J & N Building Contractor	Cocoyea Village, San Fernando	Office Building for Comfort Cooling, San Fernando
37	South	J. E. Daughters Ltd.	Techier Village, Point Fortin	Electrical Installation Company
38	South	Johnston International Ltd.	5407 Chancery Lane, San Fernando	Chancery Lane Complex
39	South	Jokhan General	Penal	Welding and Construction Company (various sites)

No.	Region	Contractor	Address	Project
40	South	Kadoo Contracting	Point Fortin	Residential Housing Construction
41	South	Kelton Pooran	Gulf View Drive	Makes Brackets to supply hardwares
42	South	Kennicon Limited	Gasparillo	Welding Shop
43	South	Kennicon Limited	Marabella	Administrative/Safety/ Machine Shop, Heavy Equipment, Maintenance
44	South	Kenree's Construction	Fanny Village, Point Fortin	Carpentry Shop
45	South	Kurtcon	Buen Intento, Princes Town	HDC Housing
46	South	Lynx Limited	Cedros and Point Fortin	HDC Housing Project
47	South	Magic	New Lands, Point Fortin	Welding and Fabricating Shop
48	South	Neal & Massy	Cipero Street, San Fernando	Automotive Maintenance
49	South	Pace Construction	Lakeview, Point Fortin	HDC Housing
50	South	Paramount Transport	Marabella	Administrative/Safety/ Machine shop, Heavy Equipment, Maintenance
51	South	Paratech	Gasparillo	Welding Shop
52	South	Patrick Gordon	Point Fortin	Painting and Constructing Drains, Bus Terminal, Point Fortin

No.	Region	Contractor	Address	Project
53	South	Pegus Electrical	San Fernando	T&TEC Electrical Repairs and Maintenance
54	South	Rafcon Limited	Current Settlement, San Fernando	HDC Housing
55	South	Ragbir & Deonarine	Rousillac	Welding and Fabrication Shop
56	South	Raghunathsingh & Company	20 Thicke Village, Siparia	Welding and Fabrication Shop
57	South	Raghunathsingh	Fyzabad	Welding and Auto Diesel Shop
58	South	S.M.C. L. Refinery	San Fernando	Welding and Electrical Shop
59	South	S.M.T. L.	Plaisance Park, San Fernando	Fabrication Workshop
60	South	Saffie Mohammed & Sons	Palmiste, San Fernando	Masonry and Carpentry Shop
61	South	Seetaram Enterprise	South Oropouche	Construction of Private Homes
62	South	Servair	Market Street, Marabella	Air Conditioning Installation
63	South	Seventh Level Consultants	Couva	Tiling, Plumbing, Masonry, HDC Houses
64	South	Shaffie Mohammed	St. Joseph Village and Woodland	Construction of Private Homes
65	South	Sharoz Enterprises	St. Joseph, San Fernando	Masonry, Tiling and Plumbing Company
66	South	Sharoz Enterprises	Thicke Village, Siparia	Building Siparia Community Centre

No.	Region	Contractor	Address	Project
67	South	Southern Logistics	Dow Village, South Oropouche	Transform Containers to offices put on Construction Sites
68	South	Southern Logistics Limited	Oropouche	General Gypsum and Tiling Company
69	South	Southern Sales	Cipero Road, San Fernando	Automotive Maintenance
70	South	Southern Supplies	Sutton Street, San Fernando	Expansion on SSL Commercial Building on Sutton Street
71	South	Southern Supplies Ltd.	Sutton Street, San Fernando	Masonry and Carpentry and Administrative Company
72	South	Southern Supplies Ltd.	Sutton Street, San Fernando	Development of Commercial Buildings in various sites
73	South	Structural & Mechanical	61-62 Reform Village, Gasparillo	Fabrication Shop
74	South	Syne Contracting	Retrench Village, San Fernando	HDC Housing
75	South	Syne Contracting	Syne Village, Penal	Masonry, Carpentry and Painting Shop
76	South	T.L.M. Company Limited	Usine, Ste Madeline	Welding and Electronic Shop
77	South	Team	San Fernando	Air Conditioning Installation
78	South	Teejal's General Contractors	Union Hall, Cross Crossing	HDC Housing Project

Oral Answers To Questions
[HON. F. JEFFREY]

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No.	Region	Contractor	Address	Project
79	South	Thermal Impact	Golconda	HDC Housing Project
80	South	Tradewinds Air Conditioners	Pleasantville, San Fernando	Service and Installation Company
81	South	Trinity General	Current Settlement, San Fernando	HDC Housing
82	South	Trinweld	Gasparillo	Welding Shop
83	South	Ultimate Construction	Buen Intento, Princes Town	HDC Housing
84	South	Ultimate Contractors	Union Hall, Cross Crossing	HDC Homes
85	South	Vindara Enterprises	Princes Town	Buen Intento Housing Project
86	South	VMCOTT	San Fernando	Automotive Maintenance
87	South	Weldfab	Claxton Bay	Welding, Electrical and Pipefitting Shop
88	South	Well Service Company Limited	Otaheite Industrial Estate	Ongoing Oil Service Company
89	South	Yube's Contracting	Corner of Harris and Purcell Street, San Fernando	Construction of San Fernando Girls' Primary School
90	South	Yube's Contracting	Rushworth Street, San Fernando	Steel Bending and Masonry
91	South	Yube's Contracting	San Fernando	Developing San Fernando Anglican Primary School

The total number of projects in south: 91 [*Desk thumping*]

In Tobago:

No.	Region	Contractor	Address	Project
1	Tobago	Alpha's Engineering	Shaw Park, Tobago	Cultural Complex Construction

2.15 p.m.

No.	Region	Contractor	Address	Project
2	Tobago	Beaver Construction	Lowlands, Tobago	Gulf City Mall Construction
3	Tobago	C. J. Construction	Bacolet, Tobago	Hotel Construction
4	Tobago	Cel-So-Be	Lowlands, Tobago	Private Housing Construction
5	Tobago	K.C.R. Construction	Lowlands, Tobago	Private Housing Construction
6	Tobago	Lennox Paul	Signal Hill, Tobago	Private Housing Construction
7	Tobago	Tobago Lumber & Hardware	Signal Hill, Tobago	Private Housing Construction
8	Tobago	United Electrics	Lowlands, Tobago	Gulf City Mall Construction
9	Tobago	Warner's Construction	Scarborough, Tobago	Library Construction

Mr. Speaker, the total number of projects is nine, giving us a grand total of 194 projects. [*Desk thumping*]

Level II—[*Interruption*] [*Laughter*] You all asked for it.

Mr. Speaker: Hon. Minister, I know you are answering the question that has been asked. I think I am going to invoke my power to ask you to circulate the rest of the answer.

Hon. Members: No!

Vide end of sitting for written part of answer.

Mr. Speaker: The questions that have been unanswered, Nos. 43, 48 and 53, the Ministers whose questions these are, you are to pass your replies to the Clerk who will circulate them to the Members who asked them.

The following questions stood on the Order Paper:

WRITTEN ANSWERS TO QUESTIONS

**Targeted Conditional Cash Transfer Programme
(Number of Beneficiaries, 2008)**

- 43.** With respect to the Targeted Conditional Cash Transfer Programme (TCCTP), could the hon. Minister of Social Development state:
- a) the number of beneficiaries under the provision of this programme in 2008;
 - b) what is the percentage success rate for applicants of this social programme; and
 - c) what opportunities are available for unsuccessful citizens to appeal the decision of the District Administrative Services? [*Mr. N. Baksh*]

**Agricultural Leases Mayaro/Rio Claro
(Issuance of)**

- 48.** With respect to the issuance of agricultural leases in the Mayaro/Rio Claro region for the period 2007 to December 2008, could the hon. Minister of Agriculture, Land and Marine Resources state:
- a) the names of applicants and the date of each application; and
 - b) the acreage leased to each successful applicant, the location of leased land and the specific purpose granted in each case? [*Mr. W. Peters*]

**National Street Lighting Programme
(No. of Lights Installed)**

- 53.** Could the hon. Minister of Public Utilities state:
- a) the number of street lights installed under the National Street Lighting Programme which are not functional at present; and
 - b) why have the street lights mentioned in paragraph (a) not been repaired? [*Mr. S. Panday*]

Vide end of Sitting for Written Answers.

**COMMITTEE OF PRIVILEGES
(ADVERTISEMENT REFERRED TO)**

Dr. Tim Gopeesingh (*Caroni East*): Mr. Speaker, I humbly seek your leave to raise a matter concerning the privilege of the House of Representatives.

On March 04, 2009, during the last sitting of the House of Representatives, I raised a private motion entitled, and I quote:

"Whereas the citizens of Trinidad and Tobago are experiencing a continued deterioration in the provision of health services with resultant loss of lives of neonates, children, adults and senior citizens;

And whereas the Government has failed to deliver and implement several recommendations for improvement in the health sector;

Be it resolved that this House condemn the Government for its failure to provide an acceptable level of health care to the citizens of Trinidad and Tobago."

It was during the course of my presentation of this Private Motion that I said, and I quote:

"On February 22, 2008, the Minister of Health told this House that UDeCott has assumed responsibility for the construction of this hospital. Imagine UDeCott again, Mr. Speaker? UDeCott which you see in the commission of enquiry has been doing absolutely chaotic things and has been involved in so much corruption, non-transparency and non-accountability as far as expenditure of the taxpayers' money. He said that the commencement and construction of this hospital would start in October 2008. Today, we are hearing that it would start sometime later, at the end of this year."—2009—"So, eight years later—you promised that you would start in October 2008, you 'ain't' start yet, and you are promising that you are going to start sometime in the last quarter of 2009. Another UDeCott corruption fiasco, Mr. Speaker."

The information concerning the impending construction of the Point Fortin Hospital was given by the hon. Minister of Health himself.

Mr. Speaker, UDeCott caused to be published on Saturday, March 07, 2009, in the *Trinidad Guardian* and in the *Express* newspaper, a full page paid advertisement. I quote:

"Statement by Opposition MP reckless and irresponsible.

The Board and Management of UDeCott strongly condemns the statements made by Opposition MP, Dr. Tim Gopeesingh on March 4, 2009 that the soon to be constructed Point Fortin Hospital is 'another UDeCott corruption fiasco'."

Committee of Privileges
[DR. GOPEESINGH]

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In addition, Mr. Speaker, paragraph 4 of the said advertisement states:

"UDeCott calls on the Honourable Member to repeat his spurious allegations outside of the Parliamentary Chamber..."

In paragraph 5 it states:

"UDeCott takes great umbrage to the Honourable Member's use of the cloak and protection of Parliamentary Privilege to senselessly defame it..."

Mr. Speaker, the publication of this statement in the form of this full page advertisement is calculated to bring me into public ridicule and odium. What is even more disrespectful is that it comes from a statutory body or entity which is accountable to Parliament. It is nothing short of an attempt to intimidate me in the execution of my duties as a Member of this honourable House.

In these circumstances, I take this opportunity to refer you to Erskine May's Parliamentary Practice, twenty-third edition, page 96, to a chapter entitled, "Privilege of Freedom of speech", under the heading, "Freedom of Speech in Debate". In addition, I kindly refer you to page 144 under the rubric, "Molestation, Reflections and Intimidations of Members of Parliament.

In accordance with the provisions of the House of Representatives Standing Order 75, I beg to move that leave be granted to bring the authors of this advertisement referred to above before the Committee of Privileges for investigations. Please find enclosed, copies of offending publication for ease of reference.

Thank you, Mr. Speaker.

Mr. Speaker: Hon. Members, I will have to consider the matter raised by the hon. Member for Caroni East. I will rule on this matter on a subsequent date.

DEFINITE URGENT MATTER

(LEAVE)

Minister of Finance

(Appointment Revoked)

Mrs. Kamla Persad-Bissessar (*Siparia*): Mr. Speaker, in accordance with Standing Order 12 of the House of Representatives, I hereby seek your leave to move the adjournment of this honourable House for the purpose of discussing a definite matter of urgent public importance, namely, the need for the Prime Minister to immediately revoke the appointment of Mrs. Karen Nunez-Tesheira as Minister of Finance of Trinidad and Tobago.

Definite Urgent Matter (Leave)

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The matter is definite, as it pertains specifically to the need for the Prime Minister to revoke the appointment of the said Mrs. Karen Nunez-Tesheira as the Minister of Finance.

The matter is urgent, because it was only yesterday that documentary evidence had been placed in the public domain as to the actions of the Minister with respect to withdrawal of her money from a CL Financial Limited subsidiary prior to Government's announced bail out of this company.

The matter is of public importance, because under the law the Minister of Finance is charged with responsibility for the public finances of Trinidad and Tobago. It is, therefore, essential that there be public confidence in the Minister in the discharge of her responsibilities on behalf of the people of Trinidad and Tobago.

I thank you, Mr. Speaker.

Mr. Speaker: Hon. Members, I have carefully studied this matter raised by the hon. Member for Siparia. I regret that it does not qualify under this particular Standing Order. It would certainly have done so under Standing Order 11.

STATUS OF CHILDREN (AMDT.) BILL

Order for second reading read.

The Minister of Legal Affairs (Hon. Peter Taylor): Mr. Speaker, I beg to move,

That a Bill to amend the Status of Children Act, Chap. 46:07 and to provide for DNA analysis in civil proceedings, be now read a second time.

Mr. Speaker, currently the Status of Children Act, Chap. 46:07 authorizes the use of blood tests to determine paternity only. The inherent shortcomings of the Act are twofold; firstly, the Act allows for the use of blood testing, which is both archaic and inaccurate. Secondly, the Act only allows for the determination of paternity.

One may wonder why this is a shortcoming as it may be obvious that a mother must know who her child is.

Mr. S. Panday: "Not these girls these days!"

Hon. P. Taylor: If we were to cast our minds back to November of 2007, where, at the Mount Hope Women's Hospital, a child was unlawfully taken away from its mother, this example alone bears ample testimony as to the need for this amendment. In using the DNA analysis to determine parental relationship between

one person and another, it could be ascertained if a person is the mother of another person and also if a person is the father of another.

Mr. Speaker, what are the objectives of the Bill? The objectives of this Bill are as follows:

1. To modernize the law to provide for the substitution of DNA analysis for blood testing in civil proceedings, particularly in the determination of parental relationships;
2. To include the making of a maternity order, in addition to the current provisions for making a paternity order;
3. To enhance the existing powers of the court to give directions that would be consistent with the proposed DNA regime;
4. To clarify the circumstances in which DNA testing may be used to determine parental relationships, where one or more of the parties are deceased;
5. To remove certain restrictions in the Act; and
6. To reinforce compliance with Trinidad and Tobago's treaty obligations under Article 7.1 on the Convention on the Rights of the Child.

Mr. Speaker, the background—by Cabinet Minute No. 1327 of May 23, 2008, Cabinet considered Cabinet Note 2008, No. 24 together with recommendations of the F&GP committee. Cabinet noted that by Minute No. 1263 of May 17, 2007, it agreed to approve the policy for legislative changes to facilitate the introduction of DNA analysis in the determination of parental relationships. Subsequently, by Minute No. 73 of December 06, 2007, Cabinet further agreed that the Status of Children (Amdt.) Bill be one of the Bills to be reintroduced at the first sitting of both Houses of Parliament.

However, prior to its reintroduction in Parliament, the said Bill had been the subject of discussions among the consultants responsible for the preparation of amendments to the package of children's legislation and also the representatives of the several ministries and the Legislation Review Committee.

Many issues were discussed, among them: streamlining the concepts and processes surrounding the taking of tissue samples for DNA analysis; specifying the expanded powers of the court with regard to the ordering of DNA analysis, as well as the mechanism allowing courts to issue parental orders and, by implication, maternity and paternity orders as different from what obtains now,

where an order can only be a paternity order; outlining the powers of the Minister, as they pertain to DNA analysis.

2.30 p.m.

Mr. Speaker, based on those discussions and general agreement, a draft policy document was then prepared. Cabinet agreed to approve the amended policy to inform the status of the Children (Amdt.) Bill to provide for the use of DNA analysis in the determination of parental relationships, Cabinet also agreed that the Attorney General cause to be prepared the necessary amendments to the Status of Children Act, Chap. 46:07 in accordance with the said policy. The amended legislation was then submitted to the Legislation Review Committee for its consideration.

Mr. Speaker, the Convention on the Rights of the Child adopted by the General Assembly of the United Nations on November 20, 1989 was ratified by the Republic of Trinidad and Tobago on December 05, 1991. This Convention, as the first legally binding international instrument to incorporate the full range of human rights, civil and political rights, as well as economic, social and cultural rights, uniquely places children centre stage in the quest for the universal application of human rights. Having ratified this convention therefore, the Government remains mindful of its obligations under the convention and is fully committed to enacting and implementing the measures requisite for the discharge of its obligations under this convention.

In keeping with Trinidad and Tobago's ratification of the Convention on the Rights of the Child, coupled with the signing of the World Declaration for the Survival, Protection and Development of Children in 1990, various strides have been made in the introduction and implementation of measures to safeguard and promote the rights of children.

Mr. Speaker, further, the Convention on the Rights of the Child provides, amongst other things, at Article 7.1:

“The child... as far as possible has the right to know and be cared for by his or her parents.”

Thus, this right to know and to be cared for by one's parents includes of necessity the right to know and to be cared for by that child's father as well as mother. This is why this Bill is before us today. As aforementioned, the making of maternity orders would now be possible by including DNA analysis in the determination of parental relationships, the Bill would modernize the law and thereby negate the void that currently exists in this arena of civil law.

Mr. Speaker, indeed the accurate determination of parental relationships in the civil arena is of tremendous importance in both family and estate matters. In family matters for example, the determination of paternity is often crucial to the proper allocation of responsibility for maintenance and also in ascertaining rights to custody and access to children whether or not the children are born in or out of wedlock.

Mr. Speaker, the High Court and Family Court of Trinidad and Tobago continue to receive a steady stream of applications relating to the paternity of a child. In the context of maintenance and custody applications to the Magistrates' Court, applications for paternity orders are also determined in the administration of estates and applications to the State for waiver of escheat. Identification of the deceased heirs is crucial and also relevant where property is to be passed to a class of person such as children or issue.

What are the shortcomings of the present legislation? In 1981, Parliament enacted legislation to remove the discrimination that existed in relation to children who were born out of wedlock. This was effected through the Status of Children Act, Chap.46:07 which sought to remove the legal disabilities of children born out of wedlock, as well as the distinctions existing in Trinidad and Tobago between children born in wedlock and those born out of wedlock.

At the same time, the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, Chap. 46:08 provided the court with new provisions which recognized the rights and obligations of both parents of all children.

Mr. Speaker, the Status of Children Act permits the use of blood test to determine whether a person is excluded from being a parent of a child. At the time of the passage of this Act, the most advanced, scientific procedure for determining paternity was the comparison of blood types of the parents and the child or children in question. At best, such test could only determine that a person could not be the parent, or that it was statistically probable that a person was the parent of a child. Thus, the test was very often inconclusive.

Since about 1985 however, genetic comparison through the use of the deoxyribonucleic acid, or DNA for short, testing has been acknowledged internationally as the most conclusive test to determine paternity. The DNA of an individual is almost exactly the same in each and every somatic or non-productive cell. Sexual reproduction brings the DNA of both parents together randomly to create a unique combination of genetic material in a new cell so that the genetic material of an individual is derived from the genetic material of both their parents in roughly equal amounts.

Comparing the DNA sequence of an individual to that of another individual can show if one of them was derived from the other or not. Specific sequences are usually looked at to determine if they were copied verbatim from one of the individual's genome to the other. If that were the case, this would prove that the genetic material of one individual could have been derived from that of the other, that is to say, one is the parent of the other, in 99.9 per cent.

Mr. Speaker, in addition to far greater accuracy, DNA samples are not restricted to blood and so offer the opportunity of taking non-invasive samples, and this is a key provision of the new legislation. So that where a blood sample is involved is a procedure for obtaining a sample that is invasive and requires the sample to be taken by a medical practitioner. However, DNA analysis may be obtained from body cells and may be taken by non-invasive means such as buccal or oral swabs, the plucking of strands of hair, a fingernail, toenail, scraping or a skin impression.

Mr. Speaker, furthermore, there is now no need for the taking of such tissue samples to be restricted only to medical practitioners. Under the current Act, the testing of blood samples could only be carried out by persons authorized by the Minister. In practice, a very limited number of haematologists were so authorized which led to long delays in obtaining test results.

The Bill in clause 11 makes provision for qualified persons to take tissue samples. One may ask: Who are deemed to be qualified persons? I will condescend on these particulars when I go to the particular clauses and elaborate at that point.

Mr. Speaker, for example, a medical practitioner who is registered under the Medical Board Act, Chap. 29:50 can be deemed a qualified person, a person registered under Part II or Part III of the Nurses and Midwives Registration Act, Chap. 29:53, or a person designated by the hon. Chief Justice in accordance with section 14A(2).

By the expansion of the range of persons who can take a tissue sample, it is envisioned that the processing of applications would be speeded up, thus improving the administration of justice for one and all.

Another expansion of the law that is included in the Bill that will further aid in the speedier processing of applications made to the court is to be found at clause 11, new section 14B of the Bill which states:

“The Minister may, by Order, on the advice of the Minister to whom responsibility for standards is assigned, designate testers.”

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“‘tester’ means a laboratory designated by the Minister in accordance with section 14B, that conducts DNA analysis for determining familial relationships for courts of law in accordance with internationally accepted standards;”

Mr. Speaker, this will speed up the processing of applications because at present, there are about two laboratories which have the capability to analyze DNA tissue samples as we speak.

With the expansion in the number of laboratories that will be able to conduct DNA analysis for determining familial relationships, applications will be dealt with in a more timely manner.

Mr. Speaker, I now turn to the current practice. As aforementioned in the Status of Children Act, there is no provision which permits the use of any test other than blood test for the determination of paternity. However, because the technology of DNA is now available to Trinidad and Tobago through two laboratories that have international partners, the courts have often permitted the use of DNA analysis where all the parties involved have consented to the test and to the use of the results thereof.

The use of DNA analysis has, thus far, allowed for a more expeditious and reliable resolution of matters and has demonstrated the need for there to be a proper legal basis for the use of such test. Mention must be made of the DNA Bill, 2007 which repealed and replaced the DNA Identification Act of 2000 which deals with the investigation and prosecution of criminal offences and thus makes no provision for the use of DNA testing in civil matters.

It is therefore both timely and necessary to introduce legislation to permit DNA testing in civil matters and so to prevent the lacuna that presently exists in this area of law. In this regard, it is proposed that the most effective way of so doing would be to amend the Status of Children Act and provide for DNA analysis to determine parental relationships.

2.45 p.m.

Mr. Speaker, may I now turn to the highlights of the provision of the Status of Children (Amdt.) Bill, 2009? Clause 1 provides for the short title of the Bill; clause 2 provides for the amendment of the long title to include the phrase: “and to provide for DNA analysis in civil proceedings”, thereby including DNA analysis in civil proceedings.

Clause 4 of the Bill amends section 2 of the existing Act to ensure consistency and clarity in the meanings of several terms used. This clause also adds definition

for the terms “court”; “DNA”; “DNA analysis”; “non-invasive manner”; “parent”; “qualified person”; “tissue sample” to the Status of Children Act.

Clause 5 of the Bill provides for the repeal and replacement of section 10 of the Act. Primarily, this clause now enables a woman to seek an order from the court declaring her to be the biological mother of a child. This clause is carefully crafted to capture all of the situations where it is relevant for the determination of parental relationships to be made. This includes, where:

- “(a) the child to whom this application relates or the alleged parent of the child against whom the application is brought is –
 - (i) actually present in Trinidad and Tobago; or
 - (ii) though absent from Trinidad and Tobago is a citizen or resident of Trinidad and Tobago; and
- (b) the child to whom this application relates or the alleged parent of the child, against whom the application is brought, is deceased but there subsists in Trinidad and Tobago in respect of such child or parent, a tissue sample.”

Just to digress a bit, there are very practical and important reasons why it is now important to create an opportunity for mothers—alleged mothers—to be able to approach the court to determine maternity. For example, what happens where a child at birth is immediately adopted and the names of the adoptive parents or the putative adoptive parents are placed on the birth certificate; those parents then disappear and the child has on that birth certificate the names other than its biological parents, but at some point in time the biological mother wishes now to claim her child, how then does one determine that the biological mother is, indeed, the mother of the child in cases where there was no consent; there was no agreement that the child be taken away at such a tender age? This is a very practical example that we have to grapple with in Trinidad and Tobago.

The clause also introduces a new subsection (5) that would seek to give legal effect to those measures until such time that the court makes the relevant rule of court. It is further proposed that section 11(1) of the Act be amended to include “maternity order” in order for this section to be consistent with other clauses of the Bill.

Clause 6 provides for the amendment of section 12 to extend the application of that provision to “maternity orders”.

Clause 7 provides for the insertion of a section 12A to relocate in the Act, section 16A and, additionally, provides for the Registrar General to insert the name of the father of a child on the birth certificate and also to give effect to any change to birth certificates, as may be directed by the court.

Clause 8 goes on to provide for the replacement of the heading “blood tests” appearing between sections 12 and 13 of the Act with the heading: “DNA ANALYSIS”.

Clause 9 provides for the amendment to section 13 to bring that provision in line with the changed policy of replacing blood testing with DNA analysis as the method of determining whether a person is or is not the parent of another. The clause provides for the tester performing the analysis to give a report to the court which shall state the results of the analysis and the level of probability that the persons to whom the report relates is or is not the parent of the subject.

The amendment also makes provision for the court, the power to specifically give directions relating to certain aspects of the new system of DNA analysis. It states:

“...the Court may in its discretion –

- (a) order any party to the proceedings to bear;
- (b) order that the Court shall bear; or
- (c) make such other order as the Court may see fit in relation to the bearing of, the cost of taking and analyzing tissue samples...”

Clause 10 provides for the repeal of section 14 of the Act.

Clause 11 provides for the insertion of new sections 14A and 14B into the Act. Section 14A provides for qualified persons to take tissue samples and empowers the Chief Justice to designate who are these qualified persons, while section 14B provides for the Minister to designate testers to perform DNA analysis. This designation would be made by order on the advice of the Minister to whom responsibility for standards is assigned.

Clause 12 provides for the repeal and replacement of section 15 of the Act. Clause 12 provides for when a person fails to comply with the court’s direction for DNA analysis. This clause also provides for the introduction of new sections 15A and 15B to provide for the penalty associated with the offence of impersonating a qualified person and recognize parties’ decision to mutually consent to DNA analysis respectively.

Clause 13 provides for the repeal and replacement of section 16 of the Act. Very importantly, this clause provides for the increase in penalties for impersonation in relation to providing tissue or proffering a child who is not the child named in the relevant direction of the court—a very serious provision; very important.

Clause 14 provides for the repeal of section 16A of the Act.

Clause 15 provides for the repeal and replacement of section 17 as it presently exists to enable the Minister to make regulations from time to time. Regulations may be made to give effect to any direction given under section 13 of the Act:

- “(b) regulating the taking, identification, security and transportation of tissue samples;
- (c) prescribing on the advice of the Minister to whom responsibility for health has been assigned, the training (of qualified persons) referred to in section 14A(2).”

Clause 16 provides for the introduction of a new section 17A to empower the court to direct the taking of a tissue sample from a deceased person. Clause 4 provides for the definition of “tissue sample”, which means:

- “(a) a sample of blood, saliva or hair and includes a buccal (or oral) swab taken from a living person in a non-invasive manner in accordance with this Act; or
- (a) in relation to a deceased person, human matter taken in an invasive or non-invasive manner or tissue taken in accordance with section 16(b) of the Human Tissue Transplant Act or taken prior to death during a lawful medical procedure;”

I dare say, a very important provision.

Clauses 17 and 18 provide for the amendment of the Births and Deaths Registration Act, Chap. 44:01 and the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, Chap. 46:08 respectively. Those amendments provide for the Registrar General having the power to effect the birth certificate of any child, a change as the court may direct.

In conclusion, it is clear that the use of DNA analysis in the determination of parental relationships has become an established best practice worldwide. Amending the laws of Trinidad and Tobago will not only allow the nation to keep abreast with current international trends and practices in DNA analysis, thereby utilizing the latest and most efficient scientific procedures to determine parental

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relationships, but it will also propel this area of civil law into the developed nation status sphere as contemplated by the vision 2020 document.

With an accurate determination of parental relationships through DNA analysis being possible for the first time in civil proceedings in Trinidad and Tobago, the courts being empowered to order the use of DNA analysis to enable them to make parental determinations coupled with the Minister being authorized to prescribe the strict circumstances surrounding the commencement and conclusion of the DNA analysis process, these gains will redound to the benefit of children and families in Trinidad and Tobago. It is therefore both timely and opportune that the Status of Children Act be amended.

I beg to move. [*Desk thumping*]

Question proposed.

Mr. Nizam Baksh (*Naparima*): Mr. Speaker, the PNM Government, in a very bold and boastful way, console themselves and believe that they are convincing the national community with a “no problem” syndrome. With brazen face, they say there is no problem when the nation is suffering from an array of mismanagement and incompetence.

They say that crime is not a problem, but the statistics have shown that the increase from 2008 is almost 100 per cent. Every day people are murdered and Government says crime is no problem.

They say that there is no problem in the health service, yet every day we hear the hospitals do not have adequate beds and medical services. Every day citizens suffer from neglect at health institutions and there is no problem in health. The educational system is in shambles. The schools are now breeding grounds for gangs; students are attacking teachers and teachers are afraid to be in their classrooms. The schools are supplementing the membership of criminal gangs and yet there is no problem.

[MADAM DEPUTY SPEAKER *in the Chair*]

They say that there is no problem of human trafficking in Trinidad and Tobago but the entire national community believes that human trafficking exists in Trinidad and Tobago. As far as the PNM Government is concerned, that is not a problem.

Mr. Imbert: Madam Deputy Speaker, Standing Order 36(1); the Member is irrelevant.

Madam Deputy Speaker: Hon. Member, I know there is a way in which a lot of what you are saying could be made relevant, but it may be more advisable to start a little into the Bill and then move on to some of what you are saying.

Mr. N. Baksh: I will take note of it. That was just introducing and coming to the Bill itself, because I was making the point here where the children in our society, on a daily basis, are being battered, bruised and brutalized and they say there is no problem with children, therefore they will continue to pay lip service to that.

3.00 p.m.

This Bill seeks to amend the Status of Children Act to allow the use of DNA testing to determine the bona fide parents of children who may be subject to legal proceedings.

Before I pursue some of the legal provisions of this Bill, I want to explore the status which children of any society must enjoy. It is common knowledge that children are described as the fruits and future of any nation. On an everyday basis we tell our children that they are the future leaders of our nation; the future scientists, professionals, technocrats and role models of honesty, sincerity, thrift in industry and commitment. As a matter of fact, the late Dr. Eric Williams, the “father of the nation” advised them that the future of this nation lies in their book bags. This is a clear indication that the children of any society must be carefully and deliberately groomed, protected and oriented to the ideals of the society.

Can we say in all honesty that the children of our nation enjoy this status at this moment? The inability of the Government within the last seven years to respond and ameliorate the status in which our children currently have been is most dismal and disappointing. [*Desk thumping*] They have shown in no uncertain manner that our children must not enjoy the status that is befitting their responsibility to carry the future of the nation in their book bags.

We on this side will support any legislation that is designed to arbitrate for the custody or protection of children. We will support any initiative that is intended to be fair and just and to safeguard the nation’s children. While we are very interested in protecting the nation’s children, I do not think that this Government is genuinely interested in their lives.

Within the past seven years this country has witnessed the murder and deaths of dozens of children; the permanent maiming of numerous children and wilful neglect by their parents and health authorities. On a daily basis, we read stories of how children are assaulted, molested and abused by people who are supposed to

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take care of them. We read stories about children who are criminally assaulted supposedly by people who should protect them. The nation is aware of children who are left to fend for themselves.

Have we initiated any study to determine the magnitude of the problem of street children in Trinidad and Tobago? Are we aware of the practice of student by day and sex worker by night and the extent to which this is practised in Trinidad and Tobago? Are we aware of the extent of pornography and the making of pornography in our nation's schools? Are we aware that several cases are pending now in our courts where parents and health authorities are charged for criminal offences against children and minors?

At present, most of the legislation to protect the nation's children is not ready for enforcement. This is an indictment on the Government and is a clear signal to the people of this country that the Government does not care about its citizens and in particular, its children. The hon. Minister must provide this House with statistics on the number of cases which are tied up in the custody and protection of children. On an annual basis, we need to know the statistics to determine the need and urgency for this piece of legislation. It may also be necessary for this information to be identified by geographical areas. This type of information is relevant for social planning in our country.

Before I express my view on human trafficking, I would quote a few lines of an article on the subject published in the *Trinidad Guardian* of December, 2008.

“A chilling warning is being sent out to mothers of young daughters, to women in general, and even sons to be on the lookout for human traffickers in Trinidad and Tobago.

Human traffickers are on the prowl, looking to lure children and women to sell them abroad for big money.

‘Children, because they live longer, are sold for over \$200,000. Adults can fetch as much as \$100,000. They are mostly used as sex slaves and sometimes for slave labour. Sometimes, they are used to make payoffs in the drug trade,’ a well placed source told the *Sunday Guardian*.

Men owing drug lords are being lured into capturing humans, who will be sold for payment of their debts. A well-placed police source believes though that the trade is in its early stages.

A source, pleading for anonymity for fear of his life, said victims are drugged almost immediately after capture and their cellphones switched off.

A spokesman from the newly formed Missing People Association (MPA) said their own investigations had revealed that people abducted were shipped out to foreign countries where foreign languages are spoken, thus making escape difficult.

MPA's investigations also revealed that those abducted are shipped via points from Moruga, Cedros, Sea Lots and Chaguaramas.

'T&T is not on the list of countries known for human trafficking, and criminals here are taking full advantage of that. Notice that there has been a decline in kidnappings and an increase in missing persons?' the spokesperson added.

'Criminals realize human trafficking is now more lucrative than kidnapping.'

The spokesman said after months of probing, they discovered that while 'big men' are behind the ring, they sometimes pay ordinary people, including taxi drivers and relatives, to lure victims, who are usually 'well scoped out' first.

The trafficking also includes young women who are being brought into the country from Venezuela, Colombia and Guyana. The women are held and forced into the sex trade where they make porn movies and are sold as prostitutes by influential locals.

Earlier this year, the T&T's Chief of Mission for the International Office of Migration, Tom Sinkovits disclosed in a *Guardian* interview that there were cases of human trafficking in the Caribbean.

He said during the last two years he had been in Trinidad he'd had reports of the trade.

According to another report from 'US Government sources', Trinidad was named as a place to which girls (young children) and women were trafficked.

...Venezuela was a transit and destination point for the trafficking of men, women and children.

But a US Department of State Report of 2007 said virtually nothing had been done by the T&T Government to combat human trafficking.

The Government has not designated a specific agency to combat trafficking—''

Mr. Imbert: Madam Deputy Speaker, Standing Order No. 36(1). None of this has anything to do with the Bill.

Madam Deputy Speaker: Hon. Member, I think that you are aware that this is to provide DNA analysis. You need to find a way to link what you are saying. The linkage is there but you need to do that.

Mr. N. Baksh: Thank you for your guidance. I was trying to make the point where children are being kidnapped in different ways and the time has come when we may have to use DNA to trace them when they are out of the country. We have to look at this as well. You could see the hopelessness in the Government. It has lost its credibility at this point in time.

I will make some reference to the legislation on the status of children that will be affected in this Bill. You have the International Child Abduction Bill; the Children Authority (Amdt.) Bill; the Children's Community Residences, Foster Homes and Nurseries Bill and the Children Bill. There are six Bills and only two have been proclaimed. Although the others were debated some years ago they are still awaiting proclamation. These Bills are not effective at this point in time and that is affecting our children because there are so many related activities with them.

We are aware that while it is important to establish the system for children legislation, a number of things have to be put in place, as the various children laws require the establishment of governmental authorities and departments. In the DNA Bill if you do not have these systems in place the entire activities that we are proving here today would be null and void. It is important for us to ensure that we have these children legislation proclaimed so we could give confidence to the children of the future.

The DNA legislation of 2007, No. 24, was assented to on September 28. Approximately one and a half years have gone and to date systems and structures are not in place to give effect to this piece of legislation. How many DNA matters have been referred to and deliberated upon by our court of law? How many DNA samples have been taken and analyzed and traced to known criminals?

If I may make a quick reference to the case of Akiel Chambers which has been in the public domain for so many years. We know that with respect to DNA testing, the anal swab which showed the presence of sperm in Chambers' anal cavity was destroyed after being kept in storage for two years. Is this the situation we would have with the current DNA Bill for our children? What rules are we putting in place to ensure that we keep these DNA results very secure? This was raised here today. We have to establish a time frame for this. Two autopsies were conducted separately on Chambers' body by pathologists Neville Jankie and Dr. Hughvon Des Vignes. They were satisfied that further inquests were required. Why was the DNA analysis not kept until the conclusion of the matter before the court? Was this deliberate?

There was another case of Dane Andrews. Was any DNA samples taken for analysis? It may have provided evidence which the police could have used to provide justice for the parents.

An equally disturbing case occurred with Arnold Chankar, a constituent of mine from Jaipaulsingh Road in Lengua. After four years we have not had a conclusion in this. Despite information that he was murdered and buried near to his residence nothing came out of it.

This scientific method of testing DNA samples has been used very effectively in other countries. I am convinced that this method of testing could be conclusive if conducted in a timely fashion. I have seen that months have passed before a decision is taken for DNA testing. This to my mind displays a lack of commitment to deal with issues expeditiously.

This is related to murders as well. If we are taking proper DNA testing, certainly, we can solve murder cases. For January and February 2008, we had 70 murders. Today we have 114, a vast increase over last year. If we introduce DNA properly, then certainly, we would have proper results.

3.15 p.m.

We know that our conviction rate is very low; it is under 5 per cent and this is something we have to increase. It could be done with DNA analysis. I want to ask: Do we have locals who have been exposed to DNA testing and training and have acquired the necessary skills and expertise to conduct DNA testing? Do we have to rely on foreigners or do we have to send samples for testing and analysis to foreign countries? If we do not train our people, when we have matters to be determined, they will be delayed for years. The hon. Minister must answer these questions. My take on this is that we need additional resources. We need forensic centres to be established in different parts of the country to be operated on a 24-hour basis, seven days a week.

We have a situation also with regard to people taking DNA tests. We know that the police, in addition to doctors and nurses, will be testing. When you look at the situation in our police stations, they have to be upgraded and equipped with facilities to ensure that the samples taken are safe and not contaminated. There must be proper storage and accountability. Even while they are there, there could be interference with the exhibits.

We must ensure that the protective services are equipped with the necessary technology to investigate and detect crime rapidly. I suggest that all police vehicles should be equipped with computers networked with other agencies to provide data instantly.

Madam Deputy Speaker, apart from the criminal activities against children in our society and the need for DNA testing to address the issue of custody and

protection of children, there is a series of other issues which affect the daily lives of children, some of which are tied up in the various children legislation to which I have alluded. I would like to examine briefly some of these issues. One of these issues is child labour where there are over 15,000 persons engaged in the worst form of child labour in our country. This is something we have to address as well.

We have the United Nations High Commission for Refugees (UNHCR) giving this information on the worst form of child labour. The Ministry of Labour and Small and Micro Enterprise Development and the Ministry of Social Development are currently responsible for enforcing child labour provisions. However, according to the US Department of State, enforcement is weak because there is no comprehensive policy on child labour and there are no established mechanisms for receiving, investigating and addressing child labour complaints.

Furthermore, the Ministry of Social Development National Plan of Action for Children has identified the following shortcomings with respect to child labour in Trinidad and Tobago. This includes:

- An absence of comprehensive information on children labourers and potential children labourers;
- Lack of public awareness of issues of child labour and absence of linkages between children labour and overall human and family development.

Madam Deputy Speaker, this is important because, additionally, it should be noted that children are also reported to be victims of commercial sexual exploitation though no specific data is available in Trinidad and Tobago to the UNHCR.

We face another problem with pornography in schools where this material is being sold to other students and adults. Again, there is a lack of adequate help for children. Madam Deputy Speaker, the Bill deals with the establishment of paternity. How many maintenance cases are in default? This has a link to it. Is this because fathers have doubts about their paternity? Maybe this will give us an opportunity to discuss some of these issues.

I want to go into some of the matters in the Bill itself. I want to look at clause 5, which states that:

“Any person who—

- (b) alleges that he is the father of an unborn child;” may make an application. This means that a man can apply to determine whether or not he is the father of an unborn child. This provision does not indicate that a woman can apply to determine who the father of her unborn child is.

I am of the view that this is a flaw in the particular clause. The laws in any country must in some way reflect the cultural practices of the citizens. For example, a woman, out of sheer economic necessity, may have had relationships with several men before conception. Should she not have the power therefore to apply to the court to determine, through DNA testing, who the father of that child is? This is why I make this request that consideration be given to this as well.

I strongly support the view that the need for prenatal support, be it economic or otherwise, should enable the woman to have the power to determine the father. We should not have to wait until the child is born to get support from the father. He should be part of the prenatal support service. How many times does a man challenge a paternity matter? This is a question I pose as well and I hope that we will get answers because in other jurisdictions there are cases where the court allows them up to two years and there are other jurisdictions where they are allowed five years. Are we including a time frame in this aspect of the Bill?

Clause 5, section 10(3)(a)(ii) states that the court could make a declaration to determine the father or mother of a child if the parents live in Trinidad and Tobago or even abroad. How would it be possible to obtain DNA samples if either parent lives abroad? Maybe we can hear something about that from the hon. Minister. This is a difficult provision to observe. It would be difficult to control. How could someone be sure that such a DNA test is reliable? What procedures will be in place to ensure integrity in the testing? I am of the view that this provision could be open to abuse.

Clause 9 states that the court may give the direction on a DNA analysis in a contested matter when the parties are available in Trinidad and Tobago. This shows that the direction for DNA testing is discretionary. I do not think this should be so. As long as the matter is being contested, the court should give direction for the use of DNA testing. This will rule out any subsequent doubt.

Will the DNA profiles for paternity purposes be stored in the same databank as those of criminals? I would like this question to be answered this afternoon. Will it be used for matching purposes in criminal activities and how long will they be stored?

Clause 9 states that the person who is giving the DNA sample should provide identification to the qualified person. This provision should go further. It should allow interested parties to bear witness when the samples are being taken. They should also be given samples on their request, which could be taken for private analysis and the results be tendered in court in the event that differences exist. This process will rule out scheme and corruption.

Madam Deputy Speaker, the Deoxyribonucleic Acid Act was introduced in this Parliament since 2007 and quite easily this Bill that we are discussing today could have been part of this, by just putting a paragraph or two. I want to read an excerpt from the contribution of the hon. Fitzgerald Hinds on the Bill:

“Mr. Speaker...The DNA Act as it now stands makes provision for paternity testing. The challenge is, in criminal cases, strict procedures should be imposed governing the handling of DNA profile and biological samples to ensure that privacy interests are protected. Accordingly, information held in the databank should be strictly used for law enforcement purposes and paternity testing.”

I got the impression this was already part of this. Why could this not be included at the same time rather than coming as a separate Bill? Is it one of the failures of the Government without vision; that today we have to deal with another matter like this when it could have been dealt with in 2007 and today we could have had a running DNA programme?

Clause 11 states that the Chief Justice may designate court officials trained, as prescribed, to take tissue samples. I am of the view that this provision is not necessary. Why should they be exposed to training to take samples when we have doctors and nurses already equipped with the training needed? This, to my mind, is a waste of time and resources, just like we have the police trained to do police work, who sit in offices doing clerical work.

Clause 11 states:

“14B. The Minister may, by Order, on the advice of the Minister to whom responsibility for standards is assigned, designate testers.”

This provision shows that two Government Ministers will be responsible for designating testers, that is, the laboratories to be used for testing the sample. I am of the view that this will lead to confusion, delay and corruption. I suggest that one Minister, the Minister responsible for standards, should be the one who designates testers.

Clause 12 states:

“15B. Nothing in this Act shall be construed as preventing parties interested in the determination of the parentage of a person from consenting to the use of DNA analysis and utilising services of their choice.”

While I am of the view that this section is necessary, I entertain the belief that it could be open to abuse. Systems should be in place to ensure that this clause is not open to abuse.

Clause 15 states:

“17.(1) The Minister may, subject to negative resolution of Parliament, make regulations for giving effect to the purposes and provisions of this Act.”

I hope, unlike other matters of the kind, that this Minister would not delay in bringing regulations and so frustrate the entire Act.

3.30 p.m.

I want to give some details on establishing paternity. Legally establishing paternity of a child can help provide social, economic and emotional ties between a father and a child. You can also ensure the child receives the same rights and privileges as other children, including inheritance rights, access to the father's medical and life insurance benefits and access to social security and other benefits.

There are limits to which the DNA rights can go. I want to read about celebrities concerns which drive privacy law. We are talking about DNA theft. The United Kingdom's pioneering DNA thefts law is in part, a response to fears that celebrities' genetic secrets could be exposed in the tabloid press.

In 2002, reports emerged of an alleged plot to steal hairs from Prince Harry to test whether he was the son of James Hewitt, a former lover of Princess Diana. The danger of an unscrupulous journalist analyzing DNA from a coffee cup used by a public figure was also among the concerns in the United Kingdom Human Genetics Commission that same year when it called for the law to be tightened to protect people's genetic information. What controls are we putting in place to ensure that we have the right issues addressed? We have, in our case, the databases for crime scene, volunteer, police elimination and non-intimate and intimate samples. We have to consider those who are in control; the custodians. What kind of security do we have on this information? Would it be given out? This release of deliberate contamination—is there a penalty for any breach of this kind?

Since September, it has been a crime in the United Kingdom to take human bodily material with the intent of analyzing DNA without consent. That includes hairs on a brush, saliva on a toothbrush or anything containing enough cells to extract a usable sample of DNA. Nobody has yet been prosecuted, but the penalty is a fine and a prison sentence of up to three years. Will it take a high profile court case of the violation of a celebrity's genetic privacy to get lawmakers in other countries, including us, to grapple with the issue? We may not have to wait long to find out.

In April last year, what was claimed to be the remains of Barack Obama's breakfast was offered for sale on eBay. His DNA was on the silverware, the seller wrote.

We are dealing in an area that is very sensitive. We have to take every precaution to ensure that whatever analysis is taken, it is properly stored and well secured and does not get into the hands of the wrong person, lest we would have no end of confusion. In the case of paternity testing, this could be used. We have to be careful when we go around in bars, pubs and liming in other places. People could be watching you to get some of it while you move around. It is important for us to establish this.

With regard to paternity establishing, when a married couple has a child, most state laws automatically recognize the husband as the biological father. If an unmarried couple has a child, state laws do not necessarily recognize the man as the legal biological father. Establishing paternity means that the father takes legal action to indicate that he is the biological father. Legally establishing paternity of a child can help provide all the assistance that I mentioned before. It is important that we take note of this, so that we can help build family relationship.

Equally as important as the social and economic benefit is the child's right to know and form a relationship with both parents. Also, not many states would allow a father's name to be placed on the birth certificate unless he is married to the child's mother. Establishing paternity would allow the child to have the father's name on the birth certificate. There are several ways that you can establish paternity. There are a number of areas in which they can establish paternity. This has the acknowledgment of paternity. This is given to the name of the voluntary process of the unwed father being recognized as the biological father of the child, primarily for child support purposes. This is usually signed at the hospital after the child is delivered. Whether we are adopting the same kind of practice—every State has different laws, but basically when the mother signs the acknowledgement that she is verifying that she was unwed at the time of the birth and that the named man is the biological father of the child. When the father signs the acknowledgement, he agrees that he is the biological father of the child and that he will be responsible for the child's financial and medical support until adulthood. A paternity acknowledgement is usually for child support purposes.

The rights pertaining to visitation and custody vary. There is also an assumed paternity and default establishment. If paternity cannot be established by default and the conditions vary, but essentially if a man does not fulfil certain obligations, he will be named as the legal father of the child. This is an area where we should be concerned. There are areas, while we are looking at an aspect generally, that are critical and there are issues we have to address to ensure that we do not leave loopholes when we are addressing the issues. In all of this, we are seeing that there are critical issues, as I have said. We need the Government to answer. We

are not here just to pass the legislation without giving teeth to it. If we fail to do that, we would see a number of legal issues coming up. This is something we want to avoid. We must, therefore, address the issues fully.

I want to conclude by asking that we spend time and go through the issues that have raised concerns and that we ensure that we treat with these matters because we have to put children as a priority. As I link it with the other children Bills, I hope the Government will do something to expedite those outstanding matters, so that we would address the issues relating to children, holistically.

I want to close with a quotation of a calypso by Calypsonian Flashy Dan/Francis Jackman.

“Ah tired weep and ah tired moan
 Ah tired see youngsters turn to dry bone
 Ah now cyah believe we living in paradise
 Ah tired see people dead in de streets
 With bullets inside dem from head to feet
 Meh heart does burn and tears does fall from meh eyes
 Ah cyah believe is we blood running like rivers
 Ah cyah believe how we stand by and watch it flow
 Ah cyah believe how crime escalating all de time
 Now children doh get chance to grow
 Now dey dying one by one just so
 Leh we clean up paradise
 Leh we save de children lives
 Eliminate de homicide.”

Thank you very much, Madam Deputy Speaker.

The Minister of Social Development (Hon. Amery Browne): Thank you, Madam Deputy Speaker. I shall not sing. It is an honour to be given this opportunity to participate in the debate on the Status of Children (Amdt.) Bill. I would like to begin by commending the hon. Minister of Legal and Consumer Affairs for the very outstanding manner in which he piloted this important Bill today. He did so with expertise and it has helped establish the context and

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relevance of this piece of legislation. I was talking about being in context and relevant and, of course, referring to the contribution of the hon. Minister of Legal and Consumer Affairs. That is a very nice segue into the contribution of the hon. Member for Naparima which, by any fair account, was anything but relevant and in context. I look forward to the unanimous passage of this Bill, which would assist in further modernizing our legal framework in Trinidad and Tobago and by extension modernizing the social sector in this country.

I listened quite intently as the Member for Naparima launched a scathing attack on a phantom Bill, which he alone may have heard presented this afternoon. Not much of the initial part of that contribution really was relevant to the Status of Children (Amdt.) Bill. *[Interruption]* I am trying to be generous in my language. He gave us a wide-ranging discourse on the abuse of children, child pornography status, neglect, child trafficking and human trafficking; somehow forgetting that those issues are the subject of other pieces of legislation, including new legislation that was debated right here in this very Chamber not too long ago; legislation that has already been debated. He came here as if he may have been absent—physically or otherwise, or on holiday during the period of those debates. That is a little disconcerting.

This House should be reminded that this particular Bill has been preceded by several other very important pieces of legislation, relevant to the situation and welfare of our nation's children. As we seek to develop this beautiful country, we all know that there is much work ahead of us. I know the Member for Siparia is well aware of that and she has been hard at work in her own way. There is much work ahead of us. This Bill is yet another step in the right direction, in terms of modernizing our legislation, with regard to the welfare of children and the status of the family. It also makes legal provision for the use of modern DNA techniques in civil matters in assisting in the determination of maternity and paternity.

This Bill is very relevant in today's world, given the trauma that some children, some women and some of our fellow citizens experience in determining who the parent, the mother or the father is in many of these situations.

To return to the Member for Naparima just briefly, he may have spent five minutes on the Bill itself and an inordinate period of time on various subjects of headlines that may have attracted national attention from time to time, including the issue of human trafficking, which he referred to on a number of occasions, again irrelevant to the Bill at hand. As I listened, I expected to hear him raise the spectre of 75 children in a container. He failed to do so. He really should thank his lucky stars that this debate did not occur on Tuesday, March 03—I expected him

to, because given the track record of that Member's contribution, I am certain that would have been one of his keynote points in propagating such rumours. For some on that side, I would not say all, bad news is good news; bad news is the only news. That continues to be an assault on the psyche of this population. He spent some time on child labour and begging, once again completely irrelevant to the Status of Children (Amdt.) Bill.

3.45 p.m.

Maybe it is that he had some unspent ammunition from a previous debate or a previous Bill and decided that it would be useful to fire off such ammunition today.

I want to put on the record that, along with maybe other Members of Parliament, I spent some time this week, on Monday in particular, visiting a number of schools in my constituency, and I am sure the hard working Members of Parliament around this House would have been doing so in accordance with some advice received from the Parliament. I was in Diego Martin Central and had a number of meaningful interactions with children from primary and secondary schools within the constituency, who were vibrant and energetic.

I want to assure the Member for Naparima and this honourable House that the future of this nation is in very, very good hands. [*Desk thumping*] I want to assure this honourable House of that particular fact; it is in very good hands. Of course, there are some errant ones among the younger generation, and that applies to the entire society. I am convinced that we have many more good people than bad people in this nation, despite what might be said on the other side. Unfortunately, it might seem that the bad ones are very passionate in their activities, and sometimes in perception might seem to outnumber the good ones, but maybe it is a message for the rest of us that we just need to work that much harder.

I heard reference in the contribution that preceded me to the fact that the Member for Naparima wants to use our doctors and nurses in hospitals to determine the issue of maternity and paternity. Am I correct in recalling that? I distinctly heard that mentioned as one of the recommendations, and I am wondering if he was speaking on behalf of the United National Congress or on behalf of the constituency of Naparima, because that really is an idea that is not well placed in this debate, because at the same time his colleagues have been reminding us that our doctors and nurses are overstretched and overworked, and we have the Member for Naparima looking to add to their workload in a very unnecessary manner. I want to remind him that argument for argument sake is not a skill, it is actually quite a liability, but one he has demonstrated today with some degree of expertise.

Mr. S. Panday: Skill.

Hon. Dr. A. Browne: It is a skill? You would say that, Member. He also took us into the private affairs of the British Royal family, but never made any point at the end of that particular foray, and I do not know if maybe he seeks to rival the Prince of Caroni East in his own familiarity with royal matters, but I would say no more on that particular issue, having great respect to my former—

Mr. Imbert: The Duke.

Hon. Dr. A. Browne: [*Laughter*] The Duke of Caroni East. I see you may have gotten a demotion of sorts; I do not want to predict the future at all. Madam Deputy Speaker, this Bill really is very important and I think quite timely in terms of addressing the legal framework of this country.

The hon. Minister of Legal Affairs reminded us that it was in 1983 that legislation was enacted to remove what was observed to be a sense of discrimination that was meted out to children based on issues of legitimacy, and the Status of Children Act, 1983 sought to remove the legal conundrum that faced some children that were born out of wedlock.

I want to place on record that ours is not the only country to seek to modernize the legislation in this particular manner. Our neighbours to the North, Jamaica, have already implemented legislation that allows for DNA testing in civil matters. Belize has also implemented DNA testing as laid out in the Belize Families and Children Act, 1998. So, we are certainly not unique in this particular regard.

We have already noted a number of gaps in the existing legislation, particularly with regard to the Status of Children Act, 1983, which permits—or maybe one day I would say permitted—the use of blood tests to determine whether a person is excluded from being the father of a child. So, that was very narrow in its application. At best, blood tests as provided for in that piece of legislation can conclude if a person is not the father of a child, and I know you are aware of this.

Mr. S. Panday: He said that already.

Hon. Dr. A. Browne: This is emphasis, because the Member for Naparima obviously did not benefit from these facts, so there is need to lay out the case quite clearly in the hope that the next speaker from the Opposition would benefit from the facts, as you yourself seem to be aware.

Madam Deputy Speaker, I return to you in this matter, as we seek to highlight once again the relevance, the context of this Bill and the reasons that the

Government has brought forward these amendments at this time. I feel the Bill is quite timely in the context of all the other legislation that we are seeking to bring, aimed at the welfare of our nation's children.

The current legislation, as I was saying, is quite narrow in its application, with no consideration being given to maternity testing, in spite of the acknowledged phenomenon in this country, the Caribbean and across the world, of babies being found abandoned in various locations, even in hospitals sometimes, and then the allegations of baby switching that have occurred. There have been some famous international cases, and even some closer to home.

So, it really is an improvement on the gap that existed with the Status of Children Act, 1983; even with the DNA Bill, 2006, assented to by the President on September 20, 2007, which repealed and replaced the DNA Act, 2000. This particular piece of legislation made no provision for the introduction of DNA testing in civil matters, it only applied in criminal matters. The hon. Minister of Legal Affairs with responsibility for Consumer Affairs, has already demonstrated the importance of DNA testing to the process of justice as demonstrated within this Act.

Madam Deputy Speaker, just recently history was created in this country, as one man who was charged with rape and incarcerated for a number of years—I believe it was four years—was set free and exonerated by the application of DNA evidence. He had been identified in an ID parade. Again, that sounds like progress to me, and this Bill is seeking to extend that progress in the area of civil matters. [*Desk thumping*]

The superiority of DNA testing over blood testing might require some further emphasis, because really, when we speak about developing Trinidad and Tobago and moving towards Vision 2020, we recognize that there are many aspects of the national fabric that need to be addressed. This is certainly a key piece of that type of progress. Certainly, DNA testing allows for more conclusive results and a greater degree of specificity in determining the identity or maternity or paternity. Much more conclusive results can be obtained by DNA testing as opposed to blood testing, which is what obtained with the 1983 legislation. DNA testing can even be performed on unborn babies, so that provisions for the child can possibly be initiated even prior to birth. I know we have an outstanding obstetrician and gynaecologist in our presence, who would attest to that.

Madam Deputy Speaker, the superiority of DNA testing as opposed to blood testing; DNA testing can also be performed where applicable on deceased persons, and this can be relevant as applied to matters relating to estate or inheritance.

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Again, we can see that this type of advance in our legal framework can have some wide-ranging benefits for the national community.

Certainly DNA testing is much more accessible and less invasive than blood testing. We are reputed to be a nation that is afraid of needles. I heard that several times in the past and certainly there would be a much less invasive interaction with the tester or the sampler via the use of DNA testing. DNA samples are not restricted to blood, and hence provides the opportunity for taking of these non-invasive samples. Again, that is part of progress, and medicine itself is becoming as non-invasive and as non-traumatic as possible as the science progresses, so the country is moving in that direction.

With regard to time and accessibility, this Bill provides us with some significant advantage. Whereas a medical practitioner or a trained person in the medical field is the one who is required by law to obtain the blood sample, DNA sample is obtained from tissue material that can be obtained from oral swabs, hair strands and so on. These examples of tissue material do not need to be collected by a medical practitioner, and I wish the Member for Naparima was somewhere within earshot; that might sink into his psyche at this point.

With regard to speedier and more reliable resolution of court matters, DNA testing is certainly very relevant, and has already been sanctioned by courts in Trinidad and Tobago, where all the parties have consented to the test and to the use of the consequent results. So, the present scenario makes this Bill quite relevant. I do not want to go off too much on a tangent but history also makes this Bill quite relevant. All of our holy books and ancient literatures are replete with examples of children whose maternity and paternity were difficult to determine.

If you would recall the case of Moses, Madam Deputy Speaker, a story with which I am sure you are very familiar; he was raised as the son of Pharaoh's daughter and when things were revealed, was cast out eventually. That is not a fate that we would want for any of our nation's children. So, the Bill is quite relevant and moves the country forward.

The question may be asked as to why is there a need for such a high degree of reliability in our testing. It is very important because the accurate determination of parental relationships in the civil arena is important in both family matters and matters of estate. With regard to family matters, determination of paternity is often crucial in issues of responsibility for maintenance cost, issues of ascertaining the rights to custody and access to a child. Also, it is relevant to the provision of optimum care and support to any particular child.

In the past, the birth certificate was the chief and most conclusive proof of identity of a child's father. Unfortunately, it is a sad reality that there is a serious incidence of no father being named on particular birth certificates, and that is something we certainly have to treat with.

DNA testing also can be applied to divorce, as it would conclusively prove adultery; for example, if a married man is found to be the father of a child with a woman who was not his wife. We are now of the information that DNA testing is already being carried out in Trinidad and Tobago, as ordered by the nation's courts.

Data retrieved from a firm in this country, Occupational Health Solutions, which operates DNA Trinidad, reveals that over the period 2008 to 2009, the average number of cases performed per month is 10. Again, the Member for Naparima asked the questions and he is nowhere to be found for the answers. Let me not draw any conclusions about that.

Information from this firm indicates that the average number of cases during the period 2008 to 2009 was 10 per month. This is based on data for all cases referred from the courts as well as the Family Court of Trinidad and Tobago, but does not necessarily account for all the cases that have been used for DNA testing in this country. It is just an example that this is a methodology that is being applied in the local context.

Madam Deputy Speaker, there are a number of other issues that might potentially be raised with regard to this Bill, issues of fraud, impersonation and so on, but we strongly feel that this legislation is very much relevant and important and is quite sound in its framing, and the amendments were very carefully considered and well laid.

4.00 p.m.

I want to remind this honourable House of the liability under the Summary Conviction Act which is a fine of \$100,000 in cases where there is fraud or an attempt to obtain incorrect results under this particular provision.

There are consequences for identifying the wrong person considered to be mother or father. You may have circumstances in which monetary cost could be inflicted on the wrong person; you could have possible aiding and abetting of maternal fraud or where a man may be forced into caring for a child and used resources that might be at his disposal and applied them in the wrong direction. There may be cases where the society could censure an individual who, unfortunately, was wrongfully accused or forced into caring for a child that was not his or in the case of a woman in situations in which the child was not hers.

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My colleague did a very good job outlining the need for the changes proposed in this piece of legislation pertaining especially—*[Interruption]* Well, I would not be the one to talk about redundancy, Member for Princes Town North, I would not be the one to start that particular dialogue. Madam Deputy Speaker, I return to you. I refuse to be distracted. *[Interruption]* I know you are better at such matters than I.

Madam Deputy Speaker, on the issue of context, I want to remind this honourable House of the Convention on the Rights of the Child which we ratified in 1991, and certain articles point to the need and make it imperative for us to ensure that children know their parents and that parents assume responsibility as far as possible for their children. Sometimes we get into these debates—of course, it is a political arena—and there is much talk about the Government and the Opposition, and at times we forget to refresh our memory that it is really the parents who are responsible for the welfare of the child.

With reference to the Convention on the Rights of the Child, Article 7 states:

- “1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.”

As we go through some of these articles we are going to see how they are relevant to the legislation brought by the Minister. I am sure the degree of assent and acclaim by the Opposition would be rising as they see a vote on this Bill would really be a vote to help bring this country forward in the right direction.

Article 8 says:

- “1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful influence.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.”

At this point, I am forced to once again congratulate the Minister of Legal Affairs for bringing this legislation. *[Interruption]* The reality of the situation forces me to acclaim this relevant Bill by the Minister which brings our country further into comprehensive compliance with the Convention on the Rights of the Child. *[Desk thumping]* I am giving you the Articles. These are not my words. You would forgive me if I am sending flowers to my own colleague. I am forced by the circumstances.

Madam Deputy Speaker, Article 18 says:

“1 States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child.”

Again, this is very relevant to the Status of Children (Amdt.) Bill. Parents or legal guardians have the primary responsibility for the upbringing and development of the child. The interest of the child will be their basic concern. Again, if you are unable to determine the maternity and paternity with any degree of specificity, you really would be moving away from the application of this particular article.

Article 27 states:

“4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad.”

Again, this gives us cause to acclaim the Bill that is before us. Therefore, according to the Convention on the Rights of the Child, the child has the right to know and be cared for by his or her parents. The State is required to provide assistance where the child is illegally deprived of the elements of his or her identity, nationality, name and family relations as recognized by law, with a view to speedily reestablishing identity. The elements of this Bill assist us in this regard. It is quite modern in its application and that is where the speedy re-establishment and certain re-establishment of identity are facilitated.

In addition, the State must make provisions to ensure that both parents have common responsibilities for the upbringing and development of the child. Before, we see where there was a bit of gender imbalance where we were able to at least disprove paternity, but the issue of maternity could not have been properly treated with via the use of blood testing, but could be treated with the use of modern technology. The State must take measures to secure maintenance for the child from both parents or other persons having financial responsibility for the child.

With regard to the reporting on this particular convention, we are compiling data from a number of ministries. The data is being forwarded to the Ministry of the Attorney General for preparation of our latest report. The last report was in 2006 and the committee noted a number of issues with regard to fulfilment of Articles including the right to identity.

With the assent today of this particular Bill, we would be moving further into compliance. It is a step in the right direction. I am sure the Member for Siparia

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will acknowledge that. She may not be nodding physically, but inside of her she is nodding her acknowledgment. Member for Siparia, I feel it coming across the aisle. [*Interruption*] Let us get this Bill passed quickly and then we can move and address all the issues that might be troubling you at this time; at least those issues that are within our power to address.

I certainly will not be the one to stand here and regale you at any length on the importance of the family. We are all fully aware that in today's world, we need to focus more than ever on the family and the role that each Member must play. Again, while this Bill may seem as a small step in some eyes, it is really a significant step in treating with that issue in the best possible way.

Analysis of the family as an institution demonstrates that there is work to be done. Single parent households constitute over 14 per cent of all families. Of these, at least 11.9 per cent were headed by single mothers and about 12 per cent of families in Trinidad and Tobago do not have a father who is present. This data is just a bit dated. It is about 10 years old. It was taken from the 1997/1998 Household Budgetary Survey and extracted from the Vision 2020 document from page 69. The absent father is certainly a phenomenon that we must continue to treat with. We know that fathers may be absent from homes for a number of reasons including death, divorce, abandonment or even incarceration can account for the absent father.

The issue of single mothers and poverty have been addressed in a number of ways in this honourable House and continues to be addressed by a number of ministries across the social sector including the Ministry of Social Development and the Ministry of Community Development, Culture and Gender Affairs; not forgetting the important role being played by our NGOs and civil society organizations in this country.

Again, this Bill is quite relevant to all of these issues and the phenomenon of the missing men from families and of women and infants with no men present in the household. In this regard, some of the households counted as being single female headed represent a family spread between two households where the male member of the family is in a separate household. Apart from being absent, this may mean that the man or father does not accept responsibility and a defence for this is often based on the mystery around the paternity of the child. So, we are removing that excuse or that barrier to at least the determination of that degree of identity and the possibility of persons living up to their responsibilities in a more forthright manner. As I said, the courts have certainly recognized the relevance of this application in the national context.

The wellbeing of the child remains a concern in many countries because of its attendant demographic, economic and social consequences for human and national development. The quality of children is of interest in its own right, because they really represent the future of a nation. I, myself, as I indicated earlier, am quite convinced that our future is in good hands and we should not let the minority that are errant in the younger generation distract us from the fact that we have many good, vibrant and productive people coming up. We just need to facilitate and encourage them to be more energetic and more passionate in their pursuits because the bad ones are certainly very energetic and passionate in theirs.

Madam Deputy Speaker, I want to commend this Bill to this honourable House. I remind you of the relevance of the Bill with regard to our current social construct. I want to remind you that the Bill seeks to modernize a very important piece of legislation and to bring modern technology to the courtroom and at the end of the day for the family to ensure that the identity of the father as well as the mother can best be determined in our local context.

In continuing this contribution, I want to assure that the amendments to the Status of Children (Amdt.) Bill will ensure that both parents, as far as possible, will assume responsibility for their children. It is necessary and it is important in our context. We talk about the global economic crisis, et cetera—

Mr. S. Panday: Madam Deputy Speaker, Standing Order 36(1).

Madam Deputy Speaker: He is referring to the global economic crisis, is that what you are objecting to?

Mr. S. Panday: He is irrelevant.

Madam Deputy Speaker: I think we are going to allow him to continue.

Hon. Dr. A. Browne: Madam Deputy Speaker, thank you very much. I saw a little frown appeared on the Member's face, but let not your heart be troubled. We will not be distracted by the hon. Member for Princes Town North and his shenanigans. We have seen it all before.

4.15 p.m.

Let me re-emphasize, Madam Deputy Speaker, that in this scenario it is very important to ensure that children obtain the best possible level of care and support from parents as applicable with regard to financial care from the parents, from both parents where possible, care related to all aspects of the child's development, physical, mental, emotional, et cetera. Having both parents as role models and of

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the family unit as a first learning environment is where the invaluable process of socialization is really first initiated.

DNA testing will help us ensure virtually conclusive results regarding paternity. Very important for child maintenance purposes where the biological father refuses to accept responsibility for the child. So, also an important safeguard against paternity fraud where a woman can make untruthful declarations regarding the paternity of a child, possibly in an effort to secure financial gain through child support.

The amendments to the Act also sanction maternity DNA testing. Very important in instances of abandoned babies, and while no statistics are currently available concerning that particular phenomenon in the regional context, it is this Government's belief that even one child being abandoned is too many and unacceptable, and with the sector of identity being established fairly easily and readily, this phenomenon itself may be impacted and that would be a very good outcome. As I said one child is too many under these particular circumstances.

The amendment will make DNA testing very much a part of the norm in such civil matters so that mothers can be located from amongst women who might be suspected of abandoning their babies. And the Deoxyribonucleic Acid (Amdt.) Bill, 2009 will identify the correct persons who are responsible for the maintenance of the child. Subsequently, the Family Law (Guardianship of Minors, Domicile and Maintenance) Act and others would all come to bear and help us ensure that we move the framework for this. This Act specifies the level of support to which the child is entitled. As we continue to work very hard—

Hon. Member: "Yuh good, yuh good."

Hon. Dr. A. Browne: I thank you for your compliment, Member for Oropouche West. [*Interruption*] No, it is not adoration, it is a compliment and I take it as that.

Madam Deputy Speaker, we on this side have worked very hard to move forward with a package of children legislation. We acknowledge the support that has come from all sides in moving several key pieces of this package forward and we also have acknowledged several times the foundation support that was provided in several of these Bills by Members on both sides of the House. The Status of Children (Amdt.) Bill, while it may not have been the first piece brought from this package is by no means insignificant. The first one that was brought was the International Child Abduction Bill as laid by the hon. Attorney General. We also had the Children's Community Residences, Foster Homes and Nurseries (Amdt.) Bill; we had the Children's Authority (Amdt.) Bill; the very important Children Bill, which has all of the answers to the Member for Naparima's varied

and, for this Bill, irrelevant issues, and now the Status of Children (Amdt.) Bill which we now are updating and using to bring our country further into the modern age utilizing new technology. *[Interruption]*

I once again wish to commend this Bill to this honourable House to encourage full and unanimous support by all Members and assure you, Madam Deputy Speaker, that the Ministry of Social Development joins with all the ministries in the social sector, the Government of Trinidad and Tobago and our partners across the society in redoubling our efforts to ensure that the welfare of our nation's children is best secured, and by doing this we are ensuring that Vision 2020, the future development of Trinidad and Tobago—not just physical but human development and the development of the heart of our society—is advanced in the best possible way.

With these few words, I thank you.

Mr. Subhas Panday (*Princes Town North*): Thank you, Madam Deputy Speaker. If that is the way they operate the ministries, no wonder this country is in trouble. *[Desk thumping]* Incompetence!

Hon. Member: No.

Mr. S. Panday: No what! Wasting time, filibustering and we thank God that this is being televised so that young children and the nation will see how this PNM behaves in the House; *[Desk thumping]* how they have no respect or regard for anyone whomsoever. They play politics and they play games with everything.

That Member for Diego Martin Central has added nothing to the debate.

Hon. Member: Absolutely.

Mr. S. Panday: Absolutely nothing more than what the hon. Member for Princes Town South/Tableland has said. He has added nothing!

Madam Deputy Speaker, one would have thought that this PNM bringing some new faces, there would have been a breath of fresh air in this Parliament but they are worse than those who have been discarded. There was no Member in the last PNM regime who would have been so boldface like that Member there *[Points to Member]* and wasting time. One would have thought that if he had any sort of semblance of intelligence what he would have done— You have no semblance of intelligence! You do not have an iota of intelligence. *[Interruption]*

Yes; no, what he would have done—look, you behave yourself—is if he had any intelligence—“you get scholarship from the PNM and the PNM use you to give you seat to kill Valley, you know”. You are a hatchet man for Valley, you know!

Dr. Browne: Sad!

Mr. S. Panday: Sad what? One would have thought that he would have taken the Bill, he would have taken his ministry, he would have taken the function of his ministry and then taken the relevant parts of the Bill and applied them to the functions of the Minister. *[Interruption]* You have been there for so long, you mean you have learned nothing? You are so hard-headed? You are so thick skulled?

Dr. Browne: You are embarrassing yourself.

Mr. S. Panday: Embarrassing yourself? You have embarrassed the nation. As a Member and as a Minister of Government your behaviour today, you have embarrassed not only the Parliament, you have embarrassed the Government. *[Interruption]* You cannot take it now.

As I said, he did not say anything, so there is no need to respond to anything he has said. But he just went and he stated that this DNA Bill deals with a situation of discrimination, but he has no institutional memory. He just takes the Bill—not even the Bill—he took a few pieces of paper that he had in his hands and he tried to waffle something. If you want to talk about discrimination, let me tell you something.

Now the history of this Bill, you know, when all of the other religions in the past, when their marriages were recognized by law, but the Hindus and the Muslims conducted their marriages, the law did not recognize them and therefore every single person who was an issue out of that Hindu and Muslim marriage, they were discriminated against. They were constant bastards. They were considered illegitimate persons. So, when you talked about discrimination, that this Bill is easing discrimination, I thought you would have done the homework; you would have done the work to give the basis of the legislation before the Parliament today.

Madam Deputy Speaker, not only Hindus and Muslims suffered that discrimination.

Hon. Member: The Orisha.

Mr. S. Panday: The Orishas suffered it! The Orisha people when they married, they also suffered the same fate and it took the UNC government *[Desk thumping]* to enact the Orisha Marriage Act, an Act to make provision for the solemnization and registration of Orisha marriages.

This UNC government that wanted to ensure that there was no discrimination, or tried to deal with discrimination in society, not only for one sector of the society but for everybody in society, enacted this law on August 16, 1999; an Act to make provision for the solemnization and registration of Orisha marriages. *[Desk thumping]* *[Interruption]*

So, Sir, when you want to talk about discrimination you must make sure behind your ears is not still wet. *[Interruption]* You must read! You know, Madam Deputy Speaker, the Bill which he is speaking about—the Status of Children Act—all of these Acts are found in Vol. 13, Chaps. 44 to 46. He did not even read the law; he did no research whatsoever! None of you on that side.

Dr. Moonilal: Shame! Shame!

Mr. S. Panday: All you had to do was pick up the law book and read, but instead you come here and you waffle and waffle and repeat yourself ad nauseam to disgust and pain of all the Members in the House.

He speaks about how timely it is. He has no institutional memory or any at all. *[Interruption]* He speaks as though the Bill here today—the Act to amend the Status of Children Act and to provide DNA analysis in civil proceedings as though it is God’s gift to the nation. It is the first time we are hearing about this, and, oh, this great PNM Government—timely, movement to Vision 2020. *[Desk thumping]* Oh how disgusting and disgraceful he has been. He did not read the Status of Children Act, did you Sir? Did you not look at Chap. 46:07? The Status of Children Act, an Act to remove legal disabilities of children born out of wedlock? You did not read it? You did not read it and you came here. If you cannot read you could not even go to the back of the Act and look at the Appendix to the Act. Did you see on page 31, Status of Children Act, the Appendix, see note on Act 27 of 2000 on page 2, an Act which the UNC had brought in Parliament to deal with this same legislation. *[Desk thumping]* The UNC passed this same legislation to deal with DNA, to deal with paternity and civil proceedings. What happened, you do not read?

You all did not read? It says, the following amendments have been made to the Status of Children Act, Chap 46:07, Act No. 27 of 2000, Deoxyribonucleic Acid (DNA) Identification Act, 2000. *[Desk thumping]* The UNC passed that law, so what foolishness and nonsense you come to the Parliament and saying, oh, “It is timely, the PNM has brought this thing in a fashion going towards 2020”? You have gone backwards! Since 2000 we had passed this law and you sat on the law, you never implemented the law and in 2007 they came and amended the DNA Act of 2000 and they desegregated the civil aspect from the criminal aspect.

So do not come here and try to fool the nation. Instead, section 2 of the Status of Children Act is amended by repealing subsection (2) and substituting the following section: “For the purposes of sections 13 to 17 inclusive...” and it went on to do DNA analysis—read the Bill that you have before you.

Dr. Gopeesingh: Nine years ago.

Mr. S. Panday: Read the Bill! Nine years ago the UNC—all the terms you have copied in this Bill can be found in Act 27 of 2000. [*Interruption*] You did not read! It is the same thing you have come here and repeated and regurgitated and come here saying, oh, this is timely. Never read!

It speaks of deleting the heading, “Blood test”. What does this Bill say? It says, “deleting the word ‘blood test’ and introducing DNA”. What did that Bill say in 2000? By deleting the word “blood test” and substituting the heading, “DNA forensic analysis”.

Madam Deputy Speaker: Hon, Member! [*Desk thumping*] The sitting of this House is now suspended for the tea break and we shall resume promptly at 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mr. S. Panday: Thank you very much, Madam Deputy Speaker. I was informing the honourable House that the UNC had introduced this identical legislation in 2000 and that the only difference between the legislation now and that legislation, was that the UNC government at that time had done both the criminal and civil aspects of DNA and directed that the Forensic Science Centre did all the DNA testing. So, when my friend came here today and tried to do what he did, I thought that I had the responsibility to put the record straight. I would not waste much time with him, I think that he has been pulverized enough.

Dr. Gopeesingh: You have dealt with him already.

Mr. S. Panday: Yes. Madam Deputy Speaker, what he also failed to realize is that this piece of legislation as it stands here today, does not really deal totally with discrimination. The legislation is deficient. What I thought that the Members on the other side would have done, was to look at the law, look at the sections, look at the legislation and then apply it to their general experience and see what is happening. But it seems to me that they have no experience, no institutional memory and cannot put anything together.

Madam Deputy Speaker, what has happened today, this Bill has been amended in isolation. All that happened was, they have separated the 2000 DNA Bill and brought this one as the civil aspect. I would now go on to show how this Bill is lacking in various particulars.

First of all, when one looks at the definition, it seems to me that whatever committee they had, did not look at the various definitions which are used in this Bill, which have been used in different pieces of legislation in the past. For

example, when one looks at the 2007 DNA Act, one would see that they spoke about samples in that Act. They said samples were: strands of hair, fingernails, toenails, samples from the buccal cavity, skin impression. When we come to this piece of legislation here today, one would see that they have shifted away, and instead of using definitions which have used in former pieces of legislation, they changed them in such a way as though they have never heard about them before:

"...non-invasive manner' in relation to obtain a tissue sample for DNA analysis means obtaining a sample by...."

That is unnecessary. What they should have done was merely used the definitions either in the 2007 Act or in the 2000 Act.

Madam Deputy Speaker, as we go along again, we would see that no thought has been given in drafting this Bill, and I will now deal with the position that the Bill creates and continues with discrimination. I wonder if they read what they did. Not only whether they knew what they were doing, but whether they read what they did. I will now deal with section 2 of the Act which says in the definition:

"Court' includes a Judge in chambers;"

What foolishness, what incompetence by the Government! We have in the same piece of legislation—as one looks at the legislation, one will see on page 5, clause 11(4):

"Where on an application to the High Court under this section the court has made or has refused to make an order there shall be the same rights of appeal...the Supreme Court of Judicature Act, and the Civil Proceedings Rules, 1998, the Family Proceedings Rules, 1998 and the Court of Appeal Rules..."

Did you all read?

Dr. Moonilal: No!

Mr. S. Panday: Did you all look at the law?

Dr. Moonilal: No!

Mr. S. Panday: Did you all look at the Civil Proceeding Rules, 1998? I ask you now, Minister who piloted this, did you look at those rules?

Mr. Parsanlal: Yes, I did.

Mr. S. Panday: All right, you looked at the rules. Did you understand them?

Mr. B. Panday: No!

Mr. S. Panday: Because you see, with the new system under the new law, the Civil Proceedings Rules, you do not have "Judge in Chambers" anymore.

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Whenever a case is filed in the civil courts now, it is assigned to a judge and that judge takes that case from the day it is filed, through all the stages unto trial. So it is not like long ago, where you have a running down matter and you determine liability in the trial court, and then that judge sends the assessment to be done by a judge in chambers. That is the old situation. That is the old practice and procedure. In the present practice and procedure, the judge takes the case from beginning to end, and what you have on the way to trial is CMC. Do you what CMC is, Sir? Sir, do you know what CMC is?

Mr. B. Panday: A type of explosive?

Mr. S. Panday: CMC is not an explosive. Case Management Conferences, where the judge manages the case. The judge manages the case as it goes along to ensure that the case is properly prepared and just before trial, you have a PTR. Madam Attorney General, do you know what is a PTR? A PTR means a pre-trial review and then the case goes into trial. So what you are talking here about, a judge includes a judge in chambers—and you made reference to the Civil Proceedings Rules of 1998.

The Civil Proceedings Rules of 1998 make no reference to a judge in chambers. So what you did? Tell us what you did. Is that not the height of incompetence and slackness on the part of the Government?

Let us look at the other one, the Family Proceedings Rules. Where do the Family Proceedings Rules take place? The Family Proceedings Rules take place in the Family Court. Do you have chamber court in the Family Court? Do you have a judge in chambers in the Family Court? What happened? Did you not think that this throws the whole legislation into a tailspin? You have not done your homework.

This Government has not done its homework. But what happened is, they copied so much from the UNC legislation—The UNC legislation was 2000 legislation and at that time we were operating under the Supreme Court of Judicature, High Court Rules, and when you copied this, you copied it out of context. This is what you call yourself, a Government, that the country is in good hands? [*Desk thumping*] Incompetent! Lazy: That is what you all are. Not fit to be holding office! All of you! We go on.

Madam Deputy Speaker, all of us have practised in courts and you will know that the family law is distributed in such a way that sometimes you use the old civil rules and sometimes the Family Proceedings Rules, but the status of children legislation comes under the new rules. Now, how do the new rules operate? The new rules operate in such a way, where you have to produce all your

documentations before—they called a "front loading". So therefore, when you have front loading, lawyers call for fees up front. When you give a definition of court as you have done here, you are only speaking about High Court, therefore only the persons who could afford to pay fees in the High Court are the people who will benefit from this legislation and not poor persons who cannot go to the High Court and have to go to a Magistrates' Court.

Madam Deputy Speaker, you will observe that those who could afford it—hear what this Act is doing. I do not know if they copied the Act without understanding. I do not know what they did, but if they were trying to fool anybody— In this Act it says that the court may make an order for DNA testing and when the court makes the order for DNA testing, the court may determine and I quote from clause 9 which amends section 13:

"(6) Where a direction is given under this section, the Court may in its discretion—"

What is that direction? That direction is where the court is telling the parties, please go for DNA testing.

- "(a) order any party proceedings to bear the cost;
- (b) order that the Court shall bear the cost; or
- (c) make such other order as the Court may see fit in relation to the bearing of,..."

So this Government without thinking about the masses of the people, has created a situation where only those who could afford to go to the High Court, could benefit from the State. [*Desk thumping*] This is what this is doing.

Member for Princes Town South/Tableland, you said that there are many lawyers in the last debate who do legal aid work. [*Interruption*]

Mr. Taylor: Yes.

Mr. S. Panday: But there are very few people in Trinidad and Tobago qualified for legal aid. I ask you now, what is the ceiling to obtain legal aid?

Mr. Taylor: [*Inaudible*]

Mr. S. Panday: No, I will tell you. I would not waste my time. It is \$7,000. [*Laughter*] Seven thousand dollars per annum divided by 12—\$600 a month. Six hundred dollars a month is less than minimum wage. So those persons working for less than minimum wage would not qualify for legal aid, to go to the High Court to obtain this benefit.

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Madam Deputy Speaker, what is happening is only the wealthy in the society—it would appear that those in the society, who could afford it, will be benefitting from the law. I would have thought that we would have used definitions of the court from other pieces of legislation. We would have looked at the past, looked at our history and seen what the court means. Maybe a definition for court could mean "the court which gives the instruction". So it would include all courts. Or, did you look at the other Act, subsequent to the Act which we are speaking about?

We are here today speaking about the Status of Children Act, did you look at the other Act just behind it, the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, Chap. 46:08? Did you look at that? Did you look at that to see whether there is a definition of court and how there was a dichotomy in describing court?

5.15 p.m.

Court means the court provided for as in section 44. I quote for you from Chap. 46:08, the Family Law (Guardianship of Minors, Domicile and Maintenance) Act. Let us look at section 44. When you look at section 44 of that said Act—*[Interruption]*

Good, good; you are getting it. You are not filled with arrogant ignorance as the Member for Diego Martin Central. You are learning; that is good; not filled with arrogant ignorance as the Member for Diego Martin Central.

Section 44:

"Subject to the provisions of this section, 'the court' for the purposes of this Act means—

(a) the High Court; or..."—*[Interruption]*

That is (a), and (b)—that is what you call arrogant ignorance; he is foolish. He does not understand and then he laughs and smirks at himself.

“(b) a Magistrate’s Court of the district in which the applicant or respondent or the minor to whom the matter or order relates resides.”

So the Family Law (Guardianship of Minors, Domicile and Maintenance) Act deals with a wider situation. What we are doing in this amendment Bill is giving only the High Court the power to deal with paternity issues—apart from that foolishness that they put in.

I ask this hon. Attorney General: What percentage of the cases which are brought before the court, go to the High Court? Very, very, very, few. We ask you a question

now: Does the Magistrates' Court have the power to determine paternity? Indeed. Who are the persons who go to the Magistrates' Court? The masses of the people; the poor people who cannot afford to go to the High Court. *[Interruption]*

Hon. Annisette-George: Is it that under the current legislation, as it stands, that one goes to the Magistrates' Court under the Status of Children Act?

Mr. S. Panday: "You doh know dat?" Well, come and I will teach you.

Dr. Browne: Arrogant ignorance!

Mr. S. Panday: I will teach you. I am saying that the law does not provide for it. The law does not give the Magistrates' Court the power to use DNA; that is the point. Show me where in the Family Law (Guardianship of Minors, Domicile and Maintenance) Act the law gives them that power; it does not.

Hon. Annisette-George: According to the submission being made, it was in terms of the Magistrates' Court making declarations of paternity under the Status of Children Act.

In the Magistrates' Court you go under the Family Law (Guardianship of Minors, Domicile and Maintenance) Act really for maintenance. In the process of your application for maintenance, you have to establish paternity. It is in your quest to establish paternity, that you invoke the provisions of this Act; for the purposes of establishing paternity. So it is not that you make an application under the Status of Children Act. In the definition, court does not exclude any other definition of court. Your application in the Magistrates' Court will not be under this. It would not be under the Status of Children Act. It would be under the Family Law (Guardianship of Minors, Domicile and Maintenance) Act.

Mr. S. Panday: I am now certain that you are really confused and you have not understood it. Once paternity is determined, regardless by whichever court paternity is determined, it becomes a fact that you have accepted paternity. The consequences of paternity, for example, for maintenance or inheritance, does not change. *[Interruption]*

Do not mince it; you do not understand it. When you say that court includes—no, no, judge in chambers— You are saying that it does not exclude other courts; why do you not make it express? That is all we are saying. *[Desk thumping]*

When you are legislating, you do not legislate by implication; you do express provisions. I ask you to read the whole Act, see where in that said amendment every time it speaks, it speaks about the High Court. It does not make reference to any other court. Therefore, the logical conclusion drawn would be that it excludes the Magistrates' Court and not the High Court.

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I want to ask this hon. Attorney General: Does paternity determined in the Magistrates' Court have less effect than paternity established in any other court, than the High Court? No; that is why we are saying we must have this Bill amended; the definition of court be amended in such a way to include the Magistrates' Court.

I will like my friends on the other side to read; let us read. My friend, the Attorney General, speaks about the Family Law (Guardianship of Minors, Domicile and Maintenance) Act. I ask her now to let us read together. You want me to teach you; let us read together section 23 of the Act which says:

"A Magistrate's Court shall not make a finding of paternity under section 22 based upon...one witness..."

So it gives the magistrate the power to determine paternity. It gives the magistrates under section 22 the power to make paternity orders.

Hear what the Act says gives a magistrate the power to make a paternity order:

"A Magistrate's Court shall not make a finding of paternity under section 22 based upon the evidence of one witness only unless that evidence is corroborated by some other material evidence."

Do you know what that means? That is the most discriminating and humiliating piece of legislation in the world. It means that if a lady wants to prove paternity of her child and it goes to the Magistrates' Court, she has to get two witnesses to say, "You know, I was so and so and he see meh." They must see us in a compromising position and a position of opportunity; like, "I saw them on a couch with this one half naked, that one half naked." That is what you are asking a lady to go to the court to subject herself to. Not only one person must see it; it must be corroborated. Two persons have to be "macoing". [*Laughter*] That is what you are putting persons under in order to prove paternity.

We are asking: Why put ladies under that situation? Most of the time those ladies are poor persons; those persons are from the country area, from Princes Town South and Moruga, and they have to go to prove paternity by that method. We are saying that those are the poor people who need the assistance. We must give the Magistrates' Court the power. Express power must be given to the Magistrates' Court to also order directions for paternity to the DNA tested.

It is in those circumstances, Madam Attorney General, where you say that the court should bear the cost, that it has meaning. For most of those persons, where

the court bears the cost for DNA tests, it has meaning to the masses of the country, to the persons who are most in need.

When we come to the Parliament and we legislate, we must legislate for everyone. I humbly submit that this, Madam Deputy Speaker, excludes or does not give the magistrate the power to do that. [*Hon. Peter Taylor stands*] Just now.

I have in my possession—

Mr. Taylor: Let me clarify that.

Mr. S. Panday: "Wait nuh man; yuh had yuh full time; yuh dribble and drabble all the time and you said nothing." "Yuh disturbing meh, man." [*Laughter*] You are trying to break my trend of thought. "He dribble and drabble."

Madam Deputy Speaker, if you go for a paternity test, what is the cost? Do you know what the cost of a paternity test is? It is \$4,500 for a paternity test; that is the cost of a paternity test. People who go to the High Court, who engage the services of the High Court, could afford it; but the poor people in the Magistrates' Court, the poor country people from St. Mary's, poor country people from Buen Intento, poor country people from Penal, poor country people from Laventille, those are the people we must have in our consideration to help with the \$4,500. I have a DNA report dated March 09, 2009. There is no indication in the horizon that this cost will come down.

The Member wants to speak now. He said that there were two labs in Trinidad performing it. The hon. Member for Caroni East asked, "We know the Forensic Science Centre, tell us the other one", and he never said it. I was listening to you, because it hurt my heart to see a poor person having to pay \$4,500 to prove that a man is the father of a child.

Do you know where this came from? The blood test was taken in a nursing home in South Trinidad and was sent to Lab Corporation of America, post box 2230, Burlington, North Carolina. It had to go abroad to have it done and come back here, and this has international accreditation.

We should legislate in such a way that it must be utopian. We must legislate for the greatest good, for the greatest number. [*Desk thumping*] No one would stand in the way of this piece of legislation, but we need to encourage and advise the Government how to open the law to help the majority of people.

I humbly submit and we ask the Government to look at all the pieces of legislation that pertain to this type of law. See how the definition of court has been varied in different pieces of legislation.

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Hence, hon. Attorney General, when you made the statement that it does not exclude other courts, in order to interpret the law, lawyers and judges might try to look at other pieces of legislation. When they see that the definition of court varies from one piece to another, then they may come and say, "Look, it says court, when one looks at the legislation before us it only speaks about the High Court." Hence, I humbly make the recommendation, that the definition of court be revisited in this legislation.

Mrs. Persad-Bissessar: It is not in the interpretation section.

Mr. S. Panday: I am informed by brilliance herself, the hon. Member for Siparia, [*Desk thumping*] that court is not in the interpretation section, Chap. 3:01. [*Interruption*]

Mr. Taylor: You asked about the labs; I want to give you clarification.

Mr. S. Panday: No, not yet; you had your turn. [*Crosstalk*] Take a note; I will give you some time.

In the Act which the UNC had passed in 2000, when one looked at the definition, as a qualified person, it spoke about the persons from the Forensic Science Centre. It is my humble view that even at that time the UNC, because DNA had not been established very widely, focused on persons up at the Forensic Science Centre; indeed, it should be opened wider to include persons involved in the medical field.

5.30 p.m.

So a qualified person is required to take a sample of the DNA; to say a medical practitioner registered under the Medical Board, we have no problem with that, a person registered under Part II or Part III of the Nurses and Midwives Registration Act, I have no problem with that, but explain to me, hon. Attorney General, a person designated by the Chief Justice in accordance with new section 14A. Has the Chief Justice gone into swabbing? Is the Chief Justice going to make a decision as to persons who are qualified to take swabs?

New section 14A of the Bill before us says:

“(1) Qualified persons may take tissue samples in accordance with this Act.”

Now tissue samples are different from non-invasive samples because those samples include blood, and those qualified persons are the doctors, the midwives, et cetera. It goes on to say:

“(2) Notwithstanding subsection (1), the Chief Justice may designate court officials trained as prescribed to take tissue samples.”

I want to find out who has been trained? Which court official has been trained to take tissue samples? I know in the court there are Registrars, Assistant Registrars, Clerks, JSOs, et cetera and those persons got those jobs not based on their qualifications in biology or nursing, but in secretarial work and they had JSO courses as the hon. Attorney General will know which were really paralegal courses to prepare them for the job of JSOs.

But you are saying here that:

“Notwithstanding subsection (1), the Chief Justice may designate court officials trained as prescribed to take tissue samples.”

That does not sound right. If you said that the Chief Justice shall have the power to appoint trained persons to take tissue samples then we could have opened the law where the Chief Justice His Lordship would have had the power to scope around the society and say laboratory technicians may be able to do it from that special laboratory, persons with laboratory technician training, we could see through that. But when you put into the law:

“Notwithstanding subsection (1), the Chief Justice may designate court officials...”

What is the definition of a court official? Are there court officials trained as prescribed to take blood samples in this country? [*Crosstalk*] Sir, you did not read the Act. We are speaking of tissue samples and tissue samples include blood. I am asking if there is anybody trained for that in the Judiciary.

Sen. Annisette-George: In the future.

Mr. S. Panday: You are too futuristic. In the future? Do you know that you have let the cat out of the bag? You are merely passing legislation without any intention of implementing it and saying it is for the future. How far in the future? Therefore, there was no intention on the part of this Government to implement the law. Sometime in the future. When in the future? What is the time line?

Madam Deputy Speaker: Hon. Members, the speaking time of the hon. Member for Princes Town North has expired.

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

Question put and agreed to.

Mr. S. Panday: Thank you, Madam Deputy Speaker. It seems to me that the hon. Minister who piloted the Bill did not read it and I will now read it for him and ask him to join me in reading it. Page 3 of the Bill speaks about tissue samples.

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You presented a Bill to the Parliament and did not read it, or if you did, you did not understand it?

Mr. Taylor: I read it quite well.

Mr. S. Panday: You read it quite well? This is what “tissue sample” means:

“(a) a sample of blood, saliva or hair and includes a buccal swab taken from a living person in a non-invasive manner in accordance with this Act;”

The point I am making is that you are giving court officials the power to take a tissue sample and that includes blood. [*Interruption*] Are you saying that the samples which those persons will take will not include blood?

Mr. Taylor: [*Inaudible*]

Mr. S. Panday: Then why did you not put that in the Bill? You see, there is a contradiction because we speak of a definition of sample and further down you say court officials can take a sample. Say what you mean and mean what you say if you understand what you are saying, because it does not make sense on the face of the Bill.

Madam Deputy Speaker, I wonder if they merely copied this and that arrogant Member for Diego Martin Central says it is timely. Look at the definition of “tester” in this Bill; look at the definition of “tester” in the 2000 DNA Act and in the 2007 Act. What is the definition? Do you want to answer? Answer. You cannot answer, but you want to jump up all the time. I told you I will give you the opportunity to stand and now is the time. What is the definition of “tester” in the former DNA legislation?

Tester in the former piece of Act speaks about a person doing the test. What is the definition of tester here? “Tester” means a laboratory. The DNA legislation in the past speaks about a “tester” being a person doing the test and here it says:

“‘tester’ means a laboratory designated by the Minister in accordance with section 14B, that conducts DNA analysis for determining familial relationships for courts of law in accordance with internationally accepted standards;”

Why change the definition of “tester”? What was the need for so doing? What was the drastic change and thinking for doing that? I wonder if the Minister or the hon. Attorney General would venture that explanation for the variance in legislation which deals with the same issue of DNA and “tester”. Why did you change the definition? I hope that this Bill will be sent to a committee because it will go nowhere.

Madam Deputy Speaker, as we go along, they speak about “qualified person” and the question I want to address is if you have a qualified person within a certain

genus; a doctor, a nurse, a midwife, you would have that group of persons and hence it would be difficult to do impersonation. But when you say the Chief Justice can take any court official and make him a qualified person, then you are opening up the system for fraud and corruption. What we must do as legislators is tighten the legislation to ensure that when we pass laws that we plug all loopholes possible so that—

Mr. Taylor: I thank the Member for giving way. Member, the philosophical underpinning of the legislation, has to do, among other things, with empowering a wider body of persons to be able to take that sample and by the very nature of the fact that you do not need to take an invasive sample, we thought it wise to allow the Chief Justice to train a body of persons attached to the Social Sector Unit of the Family Services Division to take a simple swab. It does not entail any great deal of medical knowledge to be able to take a swab, or to pluck a hair depending on the circumstances of the case, and it is for this reason the Chief Justice was given that latitude to train such persons.

Mr. S. Panday: Your philosophical underpinnings belie your ignorance of the situation, because you are giving the Chief Justice that extra power to choose anybody to do this in the circumstances. What circumstances? You are opening it to such a situation that any number could play, not only like “Play Whe”, it is like “Lotto” where any number could play.

We are passing legislation and we must pass legislation that it would be definite, direct and we know where we are going. If you speak about philosophical underpinning of expanding it, why do you contain it only to the High Court? Why do you not open it to the Magistrates’ Court?

Madam Deputy Speaker, it goes on to section 17 and in the Family Law Guardianship—

Mr. Taylor: [*Inaudible*]... section 9(5).

Mr. S. Panday: Then why does this deal with the High Court only? There is a contradiction.

Madam Deputy Speaker, this gives me the firm understanding that this will not be implemented. We had the DNA Act which was passed in 2007, and you said in the Regulations that section 17 of this Act is repealed and the following section substituted. If you say in the Act the “court” means Magistrates’ Court, why do you say here “‘Court’ includes a Judge in Chambers”? There is nothing like judge in chambers anymore. Is there anything like a judge in chambers? What is that?

There is nothing like judge in chambers again.

Mr. Taylor: I will check it.

Mr. S. Panday: Check the Civil Proceeding Rules, 1998 and probably the Family Law Rules.

5.45 p.m.

But hear what happens: the Family Law Rules only apply to the Family Court in Port of Spain. So when you are in south now, you use a different law. But this Status of Children Act comes under the new rules, so, therefore, in San Fernando you are using two pieces of legislation at the same time. Crazy! This is why we should deal with legislation as it pertains to the practise of the law.

Having said that, if you are passing this law and you say, okay, it deals with the family, when will the people in south be expecting the Family Court in south? The Family Court was established in the north. They boast that the Family Court is very successful. Do you want to answer when the Family Court is coming to south?

Mr. Taylor: I cannot answer that.

Mr. S. Panday: When I want you to answer, you cannot answer; when I do not want you to answer you are disturbing me. Therefore, in San Fernando you operate under a different system. When will the Family Court be introduced in San Fernando? People in central and south: Guayaguayare, Rio Claro, Mayaro, Moruga, Erin, Debe, Princes Town—

Ms. Kangaloo: Pointe-a-Pierre.

Mr. S. Panday: I really want to take this fight on behalf of the Member for Pointe-a-Pierre. She asked: What about Pointe-a-Pierre? I cry like you, Madam. She cries with me. Where is the Family Court for San Fernando? The Attorney General pretends she is not hearing. She is in the debate and she turns her back; turns her ear away. We ask you, Member for Princes Town South/Tableland, tell us. You bring legislation pertaining to the status of children and you do not want to speak on behalf of San Fernando East and West, when we are getting the court in San Fernando. It is just like the regulations, waste of time!

It is time that we have equity in the society. When we speak of equity, we do not speak of equity for one group or the other group, but equity for every single person in Trinidad and Tobago. [*Desk thumping*] The United National Congress speaks about equity for you.

Dr. Gopeesingh: It includes you.

Mr. S. Panday: But it includes me also.

So with the few minutes remaining—I know you are happy for that—this says here:

“The Minister may, subject to negative resolution of Parliament, make regulations for giving effect to the purposes of the provision of this Act.”

I want to ask you a question. Since the Act appears to be so complex, where you give the Chief Justice the power to choose persons to do sampling, have you prepared the regulations as yet? Where are the regulations? When will we expect to hear about these regulations? Will they ever come? If these regulations do not come, the Act cannot be implemented, because the regulations will deal with the procurement, safety and transportation of the swabs—of the tissue.

Where are the regulations? Do you have any indication for this honourable House as to when we could expect those regulations? Because if we do not get those very quickly, what happens is that we are just passing laws to adorn our statute books and nothing will happen, because this Government has a history of passing laws and not implementing them, for example, the regulations for the police service. Since July, 2008, they have struck down the recommendation of the Police Service Commission and up to today they cannot bring regulations for the appointment of a new Commissioner of Police!

Instead, this Government is so wicked! Do you know what they are doing? They are exploiting the Constitution, in particular section 6, where they are going around the system to make appointments under section 6(b); temporary acting appointments, utilizing the Police Service Act and, in particular section 75 which says that they will give Philbert—

Mr. Imbert: Madam Deputy Speaker, the appointment of the Police Commission is irrelevant to the matter at hand. [*Crosstalk*]

Madam Deputy Speaker: Hon. Member, I know you are speaking about implementing, so I will give you a little leeway.

Mr. S. Panday: Madam Deputy Speaker, I bow to the wisdom of the Chair, but not to that mentally challenged person—mentally challenged!

Mr. Imbert: Madam Deputy Speaker, Standing Order—the Standing Order that deals with insulting language, whichever one that is.

Mr. S. Panday: The point I was making is, they are not bringing regulations to implement the law and I am saying they will not implement this law!

Mr. Imbert: Standing Order 36(4).

Madam Deputy Speaker: Hon. Members—

Dr. Moonilal: How you know it is you?

Mr. B. Panday: He did not call a name.

Mr. Imbert: He was talking to me.

Madam Deputy Speaker: You referred to someone being mentally challenged. [Crosstalk] Hon. Members, I am on my legs, please. I did not hear you refer to anyone, but in the event that you did, it may be safer that you simply do not go down that road, because it has to be somebody opposite. Anybody could feel—[Crosstalk]

The hon. Member for Diego Martin North/East is affected by that statement so I think you should withdraw it.

Mr. S. Panday: Madam Deputy Speaker, who the cap fits they pull the string. Having identified himself as mentally challenged, I want to humbly apologize.

Madam Deputy Speaker: I was advised that some Members on your side may also—the hon. Member for Couva North indicated that some Members on that side may also be offended, so I think you should apologize to the entire House. [Laughter]

Mr. S. Panday: I apologize, Madam Deputy Speaker, unreservedly, and bow to the wisdom of the Chair.

The point I am making is that the Government has a habit of passing legislation and not implementing the regulations and I make reference to the point of the appointment of the Commissioner of Police. And if he wants to hear me now, I want to tell him something! I am going to bring a Motion of No Confidence in the Minister of National Security for not bringing regulations for the appointment of the Commissioner of Police. I serve notice on all of you that I am going to bring a Motion of No Confidence in the Minister of National Security for failing to implement the law, and that is bringing regulations for the appointment of a Commissioner of Police, because they intend to abuse the law to have the appointment of the Commissioner for a period of two years in accordance with Chap. 50:01, section 74. We know the tricks you are coming with and we are planning for you! That will be coming at the next sitting.

I am very happy—I see my time is up—to have taken part in this debate and I hope that all children in this world benefit from this legislation and I hope poor little Destiny will now know who is her father.

Thank you, Madam Deputy Speaker. [Desk thumping]

The Minister in the Ministry of National Security (Hon. Donna Cox): Madam Deputy Speaker, I rise today to support the Bill to amend the Status of Children Act, Chap. 46:07 and to provide for the use of DNA analysis in civil proceedings.

My colleague on the other side, the Member of Parliament for Naparima, made some grave accusations about the issue of human trafficking which I must address. For the record, let me state that human trafficking is among the most horrific crimes of our times and this Government condemns it in the strongest terms.

Trinidad and Tobago is still very much in the exploratory phase of determining the extent to which the crime of human trafficking exists within its borders. Indeed, the International Migration Organization for Migration Exploratory Assessment of Trafficking in Persons, 2005, states that the scale and context of trafficking in human beings in Trinidad and Tobago is largely unknown. At no time did this Government say that human trafficking is no problem. This was stated by the Member of Parliament for Naparima. This is really not true.

The Government, with the assistance of the International Organization for Migration implemented measures to enhance the capacity of the Immigration Division to manage migration in this country. Through this strengthening technical capacity project, the Immigration Division was provided with the skills, competencies to be able to treat with illegal migration, one aspect of which is human trafficking.

Other measures that the Minister of National Security has implemented to strengthen border security includes:

- the introduction of an integrated border management system that allows the authorities to monitor the movement of persons into and out of the country;
- the acquisition of assets to more efficiently patrol the national borders and territorial space.
- the sensitization of immigration officers to human trafficking and smuggling as part of their induction training, as well as an introduction to basic techniques of victim identification;
- investigative interviewing, profiling, imposter detection and fraudulent document identification.

There is increased interagency collaboration for operational and training purposes aimed at equipping officers with the requisite tools to identify and treat with human trafficking.

In a recent 2008 publication, the International Organization for Migration indicated that countries of origin, transit and destination must work together to recognize the mechanisms of trafficking, properly identify and assist victims and prosecute and punish traffickers. It is in this context that representatives of the Government of the Republic of Trinidad and Tobago met with representatives of the Government of Colombia over the period, 26—27 of January, 2009 at a round-table session to discuss the issue of human trafficking.

The purpose of this session was to facilitate dialogue and to strengthen coordination mechanisms between both countries in treating with incidents of human trafficking whenever they occur. Participation by representatives across many countries and the Government of Trinidad and Tobago provided an opportunity to pursue, exploit and examine the extent to which human trafficking exists between those countries.

The Ministry of National Security, in recognition of the fact that human trafficking is a growing global problem is in the process of implementing the recommendations of the International Organization for Migration, UN and other international bodies, as well as recommendations that came out of the round table.

[MR. SPEAKER *in the Chair*]

Mr. Speaker, this Government condemns this criminal act of human trafficking and will do everything necessary to ensure that our citizens, including our children, are protected. I wish to commend my colleague, the Minister of Legal Affairs, for piloting this very important amendment, which seeks to modernize the law to provide for the substitution of DNA analysis for blood testing in civil proceedings and to also include the making of a maternity order. [*Desk thumping*]

The other objective of this amendment includes the enhancing of the existing powers of the court clarifying the circumstances in which DNA testing may be used; removing certain restrictions in the Act and, equally important, to re-enforce compliance with Trinidad and Tobago's treaty obligations under Article 7(1) of the Convention on the Rights of the Child.

This amendment will modernize the law as it makes that shift from the somewhat archaic scientific method of blood testing to DNA analysis so as to make it more relevant to the realities of today's world. It would be a significant tool, as has been acclaimed globally, to determine parental relationships as it relates to the child.

In the 1990s it was recognized that DNA profiling, which is widely used internationally, could be utilized in our country as an essential tool to fight crime.

6.00 p.m.

Debate on the use of DNA commenced in 1998 and the Bill was subsequently referred to a joint select committee of Parliament. In 2000, the Bill was assented to with the support of both sides of this House. The 2000 Act was described as a Bill to provide for DNA forensic analysis, to include a DNA report as evidence, to provide for the use of DNA testing to determine parentage, and other related matters.

The Member of Parliament for Princes Town North boasted about the Act of 2000, but we remember that that was unenforceable and fraught with errors. Because of this the Act was repealed. The Act contained a proclamation clause which provided the ministry with some time to ensure that all administrative mechanisms were in place and regulations made to give effect to the Act. This Government availed itself of the opportunity to obtain expert forensic advice for the formulation of such regulation.

During the process of finalizing the regulations to provide for the document and forms required by the Act, significant issues arose regarding the operation and effectiveness of substantive provision within the Act. Some major areas of concerns were:

- inadequate definition of samples to be taken and procedure for obtaining samples;
- taking of the sample was a complex feat;
- establishment of insufficient databases;
- statutory limitation for the destruction of samples was too short; and
- paternity testing being done alongside criminal analysis.

In an effort to address these concerns effectively, the Ministry of National Security consulted with the various stakeholders as well as policy and legislative experts based in the United Kingdom's Home Office. In 2004, the experts advised that the 2000 Act in its then present form would not have been effective if proclaimed and recommended that it should be revised in keeping with modern international practices with respect to DNA profiling.

In May 2005, presentations were made by the Forensic Science and Pathology Unit of the United Kingdom to the ministry, Judiciary and other stakeholders. In view of all that was said, as the deficiencies were substantial and a new approach needed, a decision was made to introduce new legislation to replace that 2000 Act to allow for an increase in the detection rate of crime and bring more offenders to justice. The redrafting exercise was completed in 2006 and a Bill was laid in 2007.

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After extensive deliberations within the Joint Select Committee, the current 2007 Act was passed. In formulating the 2007 Bill however, it was felt that in criminal cases, strict procedures should be imposed governing the handling of DNA profile and biological samples to ensure privacy interests are protected. Accordingly, it was agreed that information held on the database should be used strictly for law enforcement and law enforcement purposes and paternity testing should be discontinued. The intent was that the appropriate authorities would pass legislation that would deal specifically with DNA testing in cases where paternity was questioned.

We are now before this honourable House to deal with the DNA analysis in civil proceedings for the determination of parentage. I will point out to this honourable House that the DNA Act is operational and forensic evidence for DNA analysis is collected from crime scenes and suspects by law enforcement officers. The Trinidad and Tobago Forensic Science Centre which falls under the Ministry of National Security is utilized currently for analysis and the reports are tendered into evidence in courts. As my hon. colleague, the Member for Diego Martin Central mentioned, to date, one person was freed of a rape charge as a result of DNA evidence. I can assure you that there are many other matters in court, the outcomes of which would be determined by DNA evidence. The ministry is continuing to ensure that DNA and its use reach its full potential in line with other international law enforcement agencies and governments. Where paternity and maternity matters are concerned, it is best treated within the appropriate framework that is structured to deal with children and children's issues.

As stated in a previous contribution, this form of genetic fingerprinting is non-invasive in most instances and is a more reliable way to determine the genetic parent than previous methods which included blood group typing; analysis of various other proteins and enzymes or using antigens. I wish to endorse the statement made by my hon. colleague, the Minister of Legal Affairs, that the use of DNA analysis to determine parental relationships is now an established best practice worldwide.

This amendment to the Status of Children Act, Chap. 46:07 will therefore not only reflect current trends, but would also greatly benefit the children and families in Trinidad and Tobago.

Thank you. [*Desk thumping*]

Miss Mickela Panday (*Oropouche West*): Mr. Speaker, thank you for the opportunity to join this debate on the Bill to amend the status of children and provide for DNA analysis in civil proceedings. My good friend, the Member for

Laventille East/Morvant said so little, there is possibly nothing to respond to. I state from the onset that I believe that when she said the DNA Act is operational, that was a misrepresentation to the national community.

Having listened to the Members on the opposite side who are my colleagues, I feel almost enthralled by their overwhelming anxiety to put to good use all that they learnt over the last couple days during the retreat. Fortunately, between the brisk morning walks, deep breathing, motivational breathing, I do not know what they call it, stress relief breathing, I believe it is, your people forgot to inform these Ministers who contributed today of the correct history of the legislation that we are here to debate today.

Because as my colleague, the Member for Princes Town North stated, they would not have brazen facedly spent the last couple hours trying to convince the nation with not a shred of evidence, that the PNM cares about the importance of this legislation. Everybody came here and said that it is important; that is why you are bringing it and the PNM is so good. Yes Christine. Sorry Ma'am, Pointe-a-Pierre. I see you are looking very anxiously as if you did not know the history of the legislation.

This Bill was first introduced to the House on August 27, 2007, two years ago by the then Minister of Social Development. If it were so important it would not have been allowed to lapse in yet another example of this Government's lack of concern for the well-being of the citizens of this country. It did not stop there. This same Bill was brought again in the new Parliament and laid in the House once more on November 14, 2008, by the new Minister of Social Development. Alas, he too, did nothing but pay lip service to securing the welfare of our children. True to form, the 2008 Bill was also allowed to lapse. Yet minister after minister has done nothing but harp on about the importance of this Bill.

Now we are dealing finally with the legislation, you will excuse me for not feeling festive. They clearly find something to laugh about on the other side. The importance of this debate is without the right intentions backing the implementation and enforcement of this legislation, it, like many others would fade away never to be heard of again. Instead of all the gallerying, we should start with the premise that any legislation dealing with the protection of children and their rights is of utmost importance and would be given the priority it deserves. The improvement of the quality of family life today, especially, is extremely critical and deserves to be treated as such.

On that note, the only response I have for the Member for Diego Martin Central is that this Bill has nothing to do with the global economic crisis, but with other pieces of legislation, children legislation, the children package of legislation. It is

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called a package because crimes against children do not happen in isolation and such crimes can be and are almost always intricately linked. Minister, when a child whose father has abandoned him or her becomes psychologically affected and ends up living on the street or committing crimes and involved in prostitution, you cannot debate these social ills in isolation. Clearly, you who piloted the Bill failed to realize that. What concerns me is that the global economic crisis is next week.

Perhaps, the only reason we are dealing with the legislation that we are today rather than two years ago or even last year, is that this Government has nothing else on its legislative agenda. It is clearly that this Government has no legislative agenda. This is a concern that has been raised in this House by hon. Members on several occasions. It is for this reason the Government is now getting used to rushing legislation at the last minute, to the Opposition with inadequate notice because this Government is operating on its whim and fancy. We saw it with CL Financial when it experienced its difficulty. The Government rushed legislation overnight to Parliament seeking the Opposition's support. They had to rush legislation that they had been promising consistently to bring for two years. After that fiasco, a year later we are still awaiting the credit union legislation.

If this country is to progress to First World status, the Government should not be allowed to conduct the business of this House in this capricious fashion that it does. It seems to me, sadly, to be a little more sinister than that. I want to illustrate briefly how callous and insincere this Government is and cannot be trusted. I have a copy of the Draft Midterm Review of Trinidad and Tobago. This was conducted and drafted by the European Commission. For those interested, it can be found on the website. This document was completed in September 2004 and reveals data for 2003. As I said before, it was prepared by the EU and a donor agency of funding for specific projects.

6.15 p.m.

Mr. Speaker, listed on page 2 of the Donor Matrix for 2003 is the project captioned Credit Union Strengthening Project, which lists millions of dollars as having been committed and requesting additional funds for completion. This project was started under the UNC administration in 1999, but even that is not really the issue. Under the heading Details of Activity for 2003, which identifies the progress of the project for the year 2003—remember that this was actually conducted in 2004, a full year later—the EU listed as having been done in 2000, and I quote:

“Completion of the draft legislation for the Credit Union Act and development of MIS for the supervision of Credit Unions.”

So it follows that, according to the information presented by the EU, the credit union legislation was actually finished in 2003, yet we have not seen this legislation six years later. This was another casualty of the PNM; a credible piece of legislation initiated by the UNC when it was in government and sabotaged at the altar of political expediency.

I raise this in the context—I hope no Standing Order is raised against me—of this Bill because this Bill was passed in 1999, one decade ago, in this very honourable House. This legislation was subjected to assent by the President of the Republic of Trinidad and Tobago, but for all its posturing, the PNM Government never implemented it. Why? Because the UNC passed it and not, according to the Member who said it, because “it was unenforceable and fraught with errors”. So their solution, instead of implementation, was to pass the DNA Act, 2007 which replaced the UNC's DNA Act.

This is not a problem at all. We are glad for any sort of progress given their pace. Surprise, surprise, once more, despite all the posturing by this Government, they have not yet implemented their own Act. This is evidence of their duplicity and lack of sincerity—lack of sincerity on the part of this Government to protect the rights and interests of the people of this country. Nothing, I think, is more insincere of this Government than to come week after week and blame the UNC for everything under the sun. Nothing is more insincere than for the Minister, the Member for Diego Martin Central, to say that the Opposition treats with pieces of legislation as a political football because this piece of legislation was already passed by the Opposition 10 years ago.

Mr. Speaker, the UNC Government developed, brought to this House and passed the DNA legislation. That legislation sought, in clause 58, amongst other things, to provide for DNA forensic analysis to determine the issue of parentage. Even so, it still took the Government 10 years to bring the legislation to Parliament. It is not surprising that it is the consensus that it will probably take them another 10 years to implement it. This is what you call government by illusion and so it is imperative that we ask ourselves the question: Is what the Minister purports today a true representation of what will be achieved by this Bill?

If the reality is that the Bill when passed will not be enforced, we are spinning top in mud. As my colleague, the Member for Naparima stated, there are many questions that need to be asked in relation to implementation. We need only look to the DNA Act, 2007, which illustrates this most vital point. We are not condemning, contrary again to the opinion of the Member for Diego Martin

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Central, the Government for bringing this Bill today to this honourable House. What they are being condemned for is their lack of political will to ensure that such vital Acts that are passed by this House are enforced.

Mr. Speaker, 10 years ago when the UNC passed this same piece of legislation, we realized that the way forward in solving crime and determining parentage was through DNA, the blueprint, as my good friend the Member for Princes Town South/Tableland said, that contains our unique genetic make-up. We knew when we passed the legislation that it was the only way forward as it could not be altered by any known technique and no two persons, as my colleague who piloted the Bill stated, had the identical DNA.

The thinking behind it, in the case of parentage, was that without a doubt it would be the most reliable and effective form of testing and, in relation to crime prevention, it would no longer have been necessary simply to rely on eyewitness account to establish the presence or absence of a person at the scene of a crime.

Yet again, simply to enact this Bill would have been too simple for this Government and as a result, sadly, as my hon. colleague the Member for Naparima stated, on May 23, 1998, 11-year-old Akiel Chambers disappeared after attending a birthday party. I am saying this in light of this legislation having already been passed and even though passed by this Government, they themselves failed to implement it. His body was found the following day in the swimming pool where the party was held. Semen was found in his anus indicating that he was sexually molested before he died. Murder was obviously suspected. Five years later, a magistrate conducted an inquest to determine the circumstances surrounding his death and said that had forensic scientists conducted DNA tests on the semen found in his anus and similar tests carried out on DNA samples of suspects, with a match between the DNA fingerprint of the semen and one of the suspects, the court could have used that information, along with all the other evidence presented, to arrive at a verdict. Mr. Speaker, DNA was not done in the absence of conclusive evidence and as such justice has not yet been served in this case.

The reason I referred to this case is that it really epitomizes the extent of this Government's incompetence and the devastating results that follow. Many murders, rapes, kidnapping and the like remain unsolved although there is legislation. The reason for this we can identify. Although there is legislation allowing the police officers to take DNA samples at crime scenes, it is not being enforced. There is yet to be established a desperately needed DNA bank that would allow investigators to solve crimes quickly. Such a databank would help, not only in identifying victims of kidnappings and in solving rape, but also in questionable paternity cases.

Also, to date it is unclear whether the supporting regulations on collecting samples and conducting tests, amongst other things, that will give effect to the Act have been established. I, therefore, put it to the Minister: What is going to be different this time around? Are we going to be in the same position as we are currently with the DNA Act? Could he give this honourable House a guarantee that with the passage of this Act a committee of qualified persons would be set up to monitor the conduct of tests; that the regulations necessary to give teeth to the Act, including the setting up of committees to establish, monitor and regulate the standards for conducting DNA tests and other quality control measures for laboratories, including how to protect tissue samples, are immediately put into effect?

I ask the hon. Minister further: Could the Minister categorically state that, as a priority—Minister you understand the importance of the enforcement; it is not simply passing and assenting to this—he would begin the process of establishing a DNA databank with samples that would speed up the process of DNA identification? Does the forensic laboratory in Trinidad have all the necessary tools available to perform the procedures to obtain DNA fingerprints? Have crime fighters been trained locally and abroad to identify, collect, record, transport and store this type of evidence?

Hon. Minister, until such time that testing actually begins fully and regularly as opposed to the one you talked about—the DNA databank of criminals in Trinidad and Tobago—there is no way of knowing whether there are enough trained experts to support the implementation of the Act.

Mr. Taylor: I thank the hon. Member for giving way. We need to be clear that the testing, the infrastructure that will be set up to test for paternity and maternity, is distinct from the forensic science laboratory. One is civil and one is criminal and never the twain shall meet. I do not want you to give the impression that it is the same laboratory that will do both.

Miss M. Panday: Are there any in the hospitals or government labs? We know of the one forensic lab, the pathology lab

Mr. Taylor: It is envisaged that for the civil jurisdiction, the testing of maternity and paternity, we will be aligned with international labs. Thus far—I am glad I have the opportunity to clear it up—in my piloting, I mentioned there were two establishments. One is the Victoria Laboratory that operates in central, south, east and west and the other is Occupation Solutions.

Mr. S. Panday: It went to North Carolina. It cost \$4,500.

Miss M. Panday: With all due respect, hon. Minister, you are mixing tester with person and place and I find your answer slightly nonsensical.

Mr. Speaker, as I said, without the DNA databank, there is no way of establishing whether we have enough trained experts. We are now finding out that we do not even have the labs to work in. Today, with a murder rate that is surpassing 114 persons, its implementation is imperative to help stem the rise of crime in Trinidad and Tobago. It is believed that if the potential criminals knew they could be positively identified through DNA evidence, they would desist from committing crime. Thus knowledge of and for possible conviction from DNA evidence might deter criminals and reduce the crime rate since everything else this Government seems to be doing is not working.

6.30 p.m.

But the relevant mechanisms need to be put into place, that is what we are trying to say, as it is not sufficient to simply pass legislation as a mirage to actually hoodwink the people of this country into believing that the Government is actually doing something positive regarding the children of our nation, when in fact by your actions, colleagues, you are laying a weak and shaky foundation for our nation's most vulnerable.

I submit today that this Government needs to take a good look at itself and how it treats with our nation's children, because if it did, as I hope it did during the retreat, it would find failure after failure by agency after agency, suffering from a combination of inadequate resources, finance, personnel offices, programmes and a basic lack of political will.

In a survey of Trinidad and Tobago conducted by the International Labour Organization, a few years ago, it was found that children in this country engaged in what the ILO considered as agricultural, scavenging, domestic work and commercial sexual activity. Additionally, all child labourers worked long hours on a daily basis for meager remuneration.

A UNICEF study, I think this would interest you, found that as much as 4.1 per cent of the children in Trinidad were involved in child labour. Member for Tobago East, do you know that is about 14,000 children under 15 years of age? Do you know what the PNM's response to that survey was? Allow me to quote from a story from the *Guardian* newspaper, dated March 03, 2009 under the caption: Child labour in Trinidad and Tobago.

“Labour Minister Rennie Dumas agrees that child labour in T&T is cause for concern. A survey conducted three years ago fortifies this view. Dumas says his

ministry continues to partner with the Ministry of Social Development and various NGOs to eliminate child labour.

‘We found about 35 children living on the streets and found homes for about half of them. Those we could not find guardians for were put in children homes. The reality is, some of them found themselves back on the streets.’—That is what the Minister said.—‘Dumas says in cases of exploitative labour, some responsibility must fall on the parents.

‘Parents should encourage maximum time in school. It’s certainly not appropriate for children to work in unhealthy and unsafe conditions.’”

I did not know it was appropriate for children to work. That is something totally different. What I want to emphasize from this quotation—*[Interruption]*

Mr. Dumas: Could I?

Miss M. Panday: Of course, Sir.

Mr. Dumas: It is a proud tradition of most rural families and families with artisan leaders to ensure that our children are part of the domestic production system. The question of what is appropriate is always open for judgment. I am quite clear that it is never appropriate for them to work in dangerous circumstances. I make no apology for that statement.

Miss M. Panday: Thank you, hon. Member. Again, proud tradition, in my view, does not make it legal. I do not want to really go into that. The emphasis that I wanted to get into is in the quotation when you said you found about 35 children living on the streets and found homes for about half of them. The PNM found 35, while UNICEF estimates child labour at 14,000 children. Who would you believe? That is why we have problems in this country. That is why children in this country continue to be exploited. That is why children in this country continue to have little prospects of improvement under this Government, incompetence and more incompetence.

Despite the existence of a wealth of plans, some of which the hon. Minister referred to, children in this country continue to be exploited. As I illustrate this to you by quoting from a quite interesting report; it is called the Country Report, which is presented by Alexa Khan who is the coordinator of this document, the National Plan of Action for children, which is yet to be implemented. Under a section in this plan, “Modalities of Commercial Sexual Exploitation”, the contributing factors were listed. I feel that it is important for the national community to understand what is happening in our country. The survey was done by a member

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of staff working for the State. I am reading this out only because it is absolutely terrifying. She says that that the contributing factors, if you would permit me are:

- “• Children and adolescents involved in formal prostitution, primarily girls. Network of nightclubs, brothels, fashion houses and dating and escort services;
- Runaway adolescent girls who are recruited off the street and ‘kept’ by older men;
- Children and adolescents who are sexually abused...”

[*Interruption*] You do not know what I am talking about? I am talking about contributing factors that lead to these children’s demise of which you all are doing nothing about.

- “• Children and adolescents who are sexually abused within the home by the ‘breadwinner’/ stepfather or other relative. The mothers of these children feel powerless or are unwilling to intervene due to economic vulnerability;
- Sexual exploitation (prostitution and pornography) of primarily male street children;
- Adolescent boys and girls involved in sex tourism in Tobago;
- Adolescent girls involved in prostitution within the school system;
- Schoolgirls who establish sexual relationships with ‘minibus’/taxi drivers in exchange for free transportation, designer clothes, jewellery, food and other material possessions.”

The paper continues to list the contributing factors as:

- “- Dysfunctional family situation
- Poverty
- Sexual abuse/incest within home
- Domestic violence
- Promiscuity or prostitution among the mothers
- Drug addiction among parents
- Drug addiction among girls
- Youth subculture...”

A lot of the youth feel that we who stand and debate in this Parliament are out of touch.

- “- Heavily influenced by North American ‘gangster rap’ and consumer culture driving the need to acquire designer brands
- Consumer Pressure. Marketing campaigns target adolescents from all socio-economic strata and consequently perpetuate the need to acquire designer clothing and accessories regardless of financial status.
- Parental neglect
- Peer Pressure.

I mentioned those for the benefit of those who were not listening earlier on, Miss Khan did this survey. It was conducted by the Ministry of Social Development. She works for you, Member for Diego Martin Central. These were her findings. I mention this because these factors are crucial in understanding the importance of the legislation before us here today. As a result of this sort of sexuality activity, this contributes to the sort of sexual profile, which results in the questioning, in some cases, of fatherhood.

In 2007, Global School-based Student Health Survey conducted by the Ministry of Health found that 30 per cent of boys and 18 per cent of girls in the survey, between the ages of 13—15 had already engaged in sexual activity, more than half of them with multiple sexual partners. Of these, 40 per cent did not use condoms. The risk of pregnancy, therefore, and questions of fatherhood have become so much more obvious. The critical point to note here is that the information, Members on the opposite side, is there; it is available. The problems are known. The research is available. The mishandling by this Government’s desire to gloss over rather than confront and deal with the problem is why this kind of legislation becomes necessary in the first place. We agree that it is necessary. Are you going to implement it?

I want to highlight at this point, what I consider—because I think in reality we can sit here and debate and be very theoretical and legal, but I think there are real things happening out there in the country. For that, I want to highlight this point, what I consider personally a very sad and deeply troubling story as reported in the *Newsday* of March 01, 2009. This report is of a mother who found her child. This was a child who had been lured into prostitution and the callous manner in which the entire issue was allegedly treated with by the protective services. The child in question is 15 years old, but the article reveals even more children were involved.

There is a reference to several other apartments in which children are kept for sexual activities with the child in question even indicating that this may be a coercive situation; not that a child at that age can legally consent to having sexual intercourse in the first place.

I quote from the report:

“Dionne told her mother that the man was only interested in black girls between 14 and 17 years old and had a number of other girls he ‘kept’ in apartment buildings where other men visited for sex.

‘Dionne said she did not know where the place was because whenever she was taken there he would blindfold her, so she could not say where she was taken.

‘She said there was a woman about 40 years old, who took names and collected money from the ‘clients’. She said you can hear some of the girls crying and screaming inside.’ Tracy said, her voice weak and trembling.

The distraught mother begged the *Sunday Newsday* to help these other girls get back to their homes.

‘Dionne said one day she was sitting on a couch in the living room when one of the other girls knelt before her, tears streaming down her face, crying ‘Help me find my mother, please’.’

And to make this scenario even more terrifying for this already traumatized mother, Tracy said that the man had obtained passports for Dionne and several of the other girls.”

I am not alleging anything about any containers. For the Member for Laventille East/Morvant, Tracy said that the man had obtained passports for Dionne and several of the other girls. These are not my words. It comes direct from the report.

Human trafficking, therefore, which this PNM Government in all of their wisdom can find no proof of, does somehow exist or something is going on with it. Of course, this is the same Government—[*Interruption*] Sorry Member, I am not talking about any proof of what you are speaking about, I am simply alluding to a report of which a young lady says—I do not know. The passport was probably to go to Port of Spain. Human trafficking is that of which—this is way too serious for me to indulge. In all their wisdom, they could find no proof, and so be it. I take your word, because what you say is the truth.

6.45 p.m.

Then of course this is the same Government that was also blissfully unaware that extortion of businessmen in central Trinidad had become a profitable business for the criminal element. [*Desk thumping*] This is the same Government that has demonstrated comprehensively and convincingly an inability to stem the murder rate and crime rate generally. This is the same Government—you understand why I am having a little trouble believing—who boasted of the 360 degree radar but now complains that guns are flooding the country.

This fabulous island fortress technology did not even pick up a yacht which had floated with a dead person onboard, into national waters and run aground on the shoreline. Incompetence, incompetence, and more incompetence, and you want to talk, Members, about passing DNA legislation to identify parentage.

This Bill before us becomes relevant to this mother's—that I have spoken about; that I have referred to—unfortunate situation because, and I would just like to read from the report. It reveals, while you think it is untrue:

“And to compound an already volatile situation, Dionne is now eight weeks pregnant and insists that she wants to keep her baby.

She doesn't even know who the child's father is because she told me she had sex with at least six other men. But, she wants the baby and said if anyone tried to take the baby, she will kill herself.”

Once again Mr. Speaker, this Government has failed both parent and child. [*Desk thumping*]

So, hon. Members on the opposite side, without malice or ill-will, today I say categorically, I am convinced that this legislation is doomed to fail from the start, and it is my belief that the government knows this. This is simply a stalling tactic until they can find some other legislation to occupy the agenda, Parliament's time.

Mr. Speaker, whenever we speak of collecting DNA I am reminded about the group of crime scene investigators (CSI), using the most recent scientific techniques to solve crime. I am reminded of the critical need for these persons given the single digit detection rate for major crimes, and so, any initiative which will seriously put a dent in crime is something, hon. Member for Princes Town South/Tableland, which this Opposition will welcome. It is no secret that this Government's incompetence in dealing with gangs and the development of criminal activity stems from its love-hate relationship with the criminals and gang leaders whom this PNM Government had lovingly rechristened community leaders, and elevated

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to the status of businessmen via URP jobs, CEPEP contracts and multiple other money transfer schemes.

As such, it should be no surprise that the best crime fighting tool available to the population is not the blimp but the DNA legislation. It should also be of surprise that following on the refusal to implement the 2000 legislation for seven years, even the implementation of the Government's own replacement DNA legislation is fraught with problems, as the Member for Princes Town North alluded to you.

Why is it that the court has not seen, if it is so effective and functioning so well, a rush of cases being resolved by DNA testimony? That is important in the current context as we are talking about yet another application of the same technology, which is available but strangely underutilized in the midst of desperate need.

I am advised that the reason for failure to exploit the DNA legislation to provide rapid justice to victims in this country falls once more—and with no disrespect intended at all—at the feet of the Minister of National Security. You see, and I am subject to correction, SAUTT is the organization which has hired and trained these CSIs. So, you see my link, Mr. Speaker? And SAUTT has no legal footing to date. For all intents and purposes, SAUTT continues to be a private security institution which has no legal standing for the purposes of arrest, prosecution, evidence reporting, et cetera. If this is true, how could the Minister of National Security have allowed this to fester and go on for so long? How could the Minister have intentionally misled the population into believing in the possibility of the use of DNA technology to expedite justice when he knows that he has not sealed the legality of SAUTT? [*Desk thumping*] And more importantly, why?

Why has this not been done? Why is taxpayers' money being used to fund a private heavily armed and trained battalion of military styled personnel?

Mr. Imbert: Mr. Speaker, with regret, Standing Order 26(1), relevance.

Mr. Speaker: Before you get there, the speaking time of the hon. Member for Oropouche West has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Dr. H. Rafeeq*]

Question put and agreed to.

Mr. Speaker: With respect to the Standing Order raised by the hon. Member for Diego Martin North/East, I think he would like to hear you further.

Miss M. Panday: Thank you, Mr. Speaker. As I was saying, why has no attempt been made to have the best crime fighting equipment utilized? The Government fought against the use of DNA from 2000 to 2007. Having passed their own legislation they still have not made effective use of it.

Why? Who will benefit? Who is being protected? Why is the Government protecting these persons? I have made the point before that the procurement legislation, which my hon. friend from Caroni East mentions time and time again, was not brought in order to provide the leeway for the state funded corruption to prosper as the Uff inquiry is beginning to reveal. By the same token the failure to utilize all crime fighting tools at its disposal to deal with the most serious problem facing this country is no accident, and using the same yardstick, it must be to allow the Government's friends and partners—not partners in crime, sorry—to benefit.

What is desperately needed, Mr. Speaker, is a genuine political will to prioritize what is important to make the lives of the people of Trinidad and Tobago, our beautiful country, better. [*Desk thumping*] It bewilders me how this Government, these officers of the State, time after time, as revealed by the Commission of Inquiry into the construction sector—for example, the Prime Minister's residence, had cost taxpayers half a billion dollars, close to \$250 million—could put themselves before their country.

Mr. Speaker, I was going to go on a bit more about the Prime Minister's residence, but I think the Member for Diego Martin North/East is all ready to jump out of his seat; he scared me slightly; he looked so nervous I thought that maybe we should am—I do not want to go on for too much longer. I have never seen him get so nervous, it is quite interesting. I do not want to take too much more time, the speakers have all been so equipped. I was going to go into education and how you failed there, but then the Member for Tunapuna would want to jump up, and it is getting late in the evening. [*Interruption*] Because I hear you mumbling, my lady, from across there and I have not said anything that I wanted to say to you earlier on. Anyway, enough, enough.

The United Nations Declaration of the Rights of the Child—this is something that is very, very close to my heart—which this country ratified that convention in 1991. More than this, we are also a signatory to the 1990 World Declaration on the Survival, Protection and Development of Children.

Two years ago as well, the Government launched a second National Plan of Action for Children for the period 2006—2010. I do not even want to go into it, it is something quite similar to the gender policy, which will never be implemented.

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This plan was supposed to serve as a blueprint for the achievement of the goals set out in the 2002 United Nations General Assembly Special Session report, and it was titled “A World Fit for Children”. It focuses on four areas for action:

1. Promoting Healthy Lives;
2. Providing Quality Education;
3. Combating HIV/AIDS; and
4. Protection Against Abuse, Exploitation and Violence.

Yet for all these noble posturings, children are still forced to suffer in inappropriate learning environment, condemned by a government deaf to their pleas, oblivious to the serious socio-economic ramifications, which such disregard will foist upon this nation.

In conclusion, this legislation—because we have said much about it; I have listened to the Members and I honestly feel that today is a sad day when in my contribution, as shadow Minister, that I really believe, sincerely, that nothing is going to come out of this—then, as well meaning as it is being portrayed has little real use in dealing with the major social ills confronting the problem. It is a band aid to deal with a symptom and does nothing to deal with the causal factors: promiscuity, general family breakdown, poverty, prostitution, emergence of gang culture, and so on, which all contribute to situations where fatherhood will be questioned; it is linked.

In terms of these critical issues, the Government's failure is most glaring. What is perhaps of greatest concern however, is the emerging and inevitable conclusion, that the failure to utilize the best tool for crime fighting, to me, to the Opposition, is deliberate. That conclusion suggests that these issues are not receding because the Government is stimulating their growth, and that is a level of inhumanity. I do not want to believe that even so callous a Government is capable of it.

I refuse to believe that while our children are dying, raped, brutalized, tortured and abused, that this Government, these men and women opposite, deliberately sit twiddling their collective thumbs, wallowing in the taxpayers induced wealth, tacitly or even deliberately encouraging this sick phenomenon, but then, that is what the evidence suggests. [*Crosstalk*]

Mr. Speaker: Order!

Miss M. Panday: In closing, I simply say to the Members opposite, let us hope this time this legislation would not just serve as a distraction, but really be treated with the seriousness it deserves.

I thank you.

7.00 p.m.

ADJOURNMENT

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker, I beg to move that this House do now adjourn to Friday, March 20, 2009 when we will complete this matter and also deal with the Land Acquisition Motions on the Order Paper.

Mr. Speaker: Before I move the adjournment of the House, there are three matters to be raised and, therefore, I call on the hon. Member for Oropouche East.

Board of Inland Revenue and Customs and Excise Divisions (Government's Decision to Impose VSEP)

Dr. Roodal Moonilal (Oropouche East): Mr. Speaker, this evening I raise a matter on the adjournment, namely the decision of the Government of Trinidad and Tobago to impose a voluntary separation of employment programme on over 2,000 workers at the Board of Inland Revenue and the Customs and Excise Division, pursuant to the establishment of the Trinidad and Tobago Revenue Authority.

Mr. Speaker, I want to make just two introductory remarks on this matter. The first is that it appears that in this country there are only two persons with job security; the Minister of National Security and the Minister of Finance. They can do anything and they will not be fired. They have job security, and everyone else is subject to the authoritarian dictates of this Government.

The second point is that for one year now I have been saying in this Parliament that there is an employment crisis looming. In a short time, given the economic decline and the impact of the international financial crisis on the economy, we will have a colossal problem of unemployment.

When the Government was boasting of full employment and jobs for everyone—how many persons were employed in CEPEP and URP and so on—I warned them that this would happen. Yesterday, the President of the Trinidad and Tobago Manufacturers' Association, Karen De Montbrun, indicated that by their analysis 10,000 workers in the manufacturing sector are going to lose their jobs in the next year. I estimate that over 75,000 workers in the economy will be out of employment in

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the next two years, given the crisis. Including in that figure we have 2,700 workers at the Board of Inland Revenue Department and the Customs and Excise Division. This is a colossal betrayal of those employees.

The Government has imposed what the workers are calling a “FSEP”. Let me tell you what “F” stands for before you are misled. It is “Forced Separation of Employment Programme”. [*Desk thumping*] They are now imposing an “FSEP” on the workers, forcing them to take a separation programme. This is a betrayal of the workers, because a couple years ago this Government circulated to the Public Services Association and workers a draft Bill establishing the Trinidad and Tobago Revenue Authority. I have a copy of that Bill in my hand. Incidentally, it was to be known as the Revenue Authority of Trinidad and Tobago, but they have changed that for the obvious reason. The abbreviated name would have been RAT, and today I smell the rat.

In this Bill they told the union and the workers, according to clause 19, that in the event there is a separation of employment—it says that where a public officer on the date of assent of this Act holds a permanent appointment or temporary appointment, et cetera, there are three options available to the workers:

- “(a) voluntarily retire from the Civil Service on terms and conditions agreed between him or his recognized majority union and the Chief Personnel Officer;
- (b) transfer to the Authority with the approval of the Public Service Commission on terms and conditions no less favourable than those enjoyed by him in the Civil Service; or
- (c) remain in the Civil Service, provided that an office commensurate with the office held by him in the Civil Service prior to the date of assent of this act is available.”

There were three options available. Today, they have destroyed this document. They have taken this document and flung it into the dustbin, and today they are forcing a separation plan on 2,700 workers.

Many of these workers are reliant on what they were promised. They went on the University of the West Indies to do the Certificate in Public Administration and other tertiary education to upgrade their skills. Some workers even went on to do law. Many of them took loans and entered into financial arrangements with the expectation that what the Government indicated would come to pass. There was a commitment by the Government and, today, those workers have been betrayed.

The Government is introducing an “FSEP” for those workers and there are several implications of that.

Firstly, there is an issue—and the Minister must respond—as to whether or not this Government can fire public officers—whether the Government could fire workers who are under the aegis of the Public Service Commission. You cannot fire public workers like this. There is a process.

Mr. Speaker, the other issue is the constitutional issue where the rights of these workers may be violated—violating their rights to property which is another constitutional right by attempting to impose the “FSEP” on workers. You cannot fire them. [*Crosstalk*] Mr. Speaker, possibly, unlike the Caroni situation, these are public officers under the Public Service Commission who are within the purview of the Public Service Regulations and you cannot fire them. [*Desk thumping*]

The other matter is that these workers are in a bargaining unit, and to deal with them in this way is to violate their rights. This is an attempt to change their conditions of work outside of the collective bargaining process, which is illegal. You need to work with the recognized bargaining unit to alter their terms and conditions of work. This is in violation of the principles of collective bargaining and proper and good industrial relations practices. So, there is a constitutional right issue and there is an industrial relations issue. There is a clear betrayal of these workers.

I remember when the UNC was in power, it was the president of this union who said—I think colleagues would remember that when the UNC took office—that she is going to make it hot like a “chulah” for the UNC Government. I want to tell her today that the “chulah” is out. They believe that they could play games with the PNM Government. It was the Member for Couva North who warned the labour movement in Fyzabad that they cannot play games with the PNM. Today, like a wolf, they came back to bite them.

An editorial in the *Trinidad Guardian* dated March 09, 2009—the same source quoted the “Caught Minister of Finance”—I saw a picture and I thought it was Denesh Ramdin or Fidel Edwards or somebody who got caught. [*Laughter*] Mr. Speaker, the headline is: “Step up to HR issues in the TTRA Challenge”. Now, this is not the UNC. It says:

“It’s hard to understand why the Government would take a course of action almost guaranteed to raise the hackles of the PSA President, particularly since Mrs. Baptiste-Primus has been one of the least adversarial union leaders in dealings with the Government.”

BIR and Customs and Excise VSEP
[DR. MOONILAL]

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This is the *Guardian* editorial saying this. They were playing games with the PNM and thought that the PNM would not come back to attack their own members.

The editorial says that the Government's implementation of this initiative might be commendable. The Government gets failing marks for introducing this in the manner they are doing, because they are violating the rights of workers.

The Government needs to tell us: What is the position of the 2,700 workers who they are betraying? It happened at TTT; it happened at BWIA; and it happened at Caroni (1975) Limited. This is the fourth separation, this "FSEP", but the Government is also saying that it is going to rehire. So, there will be a process to rehire. Do you know what is going to happen there? They are going to rehire their own PNM party hacks. [*Desk thumping*] They are going to rehire persons who are compliant with the PNM and they are going to get rid of all the workers who they perceive are not in support of their party as they did with WASA, Petrotrin and NBN.

Mr. Speaker, their DNA is clear. They will victimize and discriminate in rehiring persons. I want to indicate to this Government that the rehiring should be done under the umbrella of the Equal Opportunity Commission. [*Desk thumping*]

Mr. S. Panday: True.

Dr. R. Moonilal: They cannot be trusted to rehire anybody. They will victimize hard working, innocent public officers which they have been doing throughout. This Government cannot be trusted to rehire on what it is called a selective basis. Do you know what is going to happen here? The Government indicated that it is going to cost \$350 million to implement this. Where is the Government going to get this money from? They are borrowing money to live today and where are they going to get \$350 million for this "FSEP" for the BIR and the Customs and Excise workers?

Do you know what is going to happen here? They are going to give their favorites in that division a hefty separation programme and then hire them the next day and the hard working ones who are diligent and who have given service to this country will get a lump sum of a small amount of money and tomorrow the money will finish and they are going to suffer. Many of them will have to migrate and go and work in Canada, the United States of America and Europe and their talents would be put to the benefit of another country, and there is going to be a brain drain again. This is the implication of this separation of employment programme. It has serious implications, as I said, from an industrial point of view; a constitutional point of view; and from the issue of discrimination in the rehiring.

So, the Government has to answer these questions in a particular sequence. Did they or did they not promise the workers involved that there will be three options available? Did they not put that in the draft Bill which they gave the trade union—promising three options so that no one would be fired? Did you do that? Did you consider the constitutionality of this issue and the fact that you are violating the principles of collective bargaining and the principles of proper and good industrial principles? Indicate exactly what will become of those workers.

I want to guard the Government on an issue. Anytime they are getting rid of workers they would stand and say that they will provide counselling service. They are going to take persons who have been working 30 years to tell them how to smile when they go for an interview and how to write a resume. That is the feeble approach that the Government has adopted before which has left workers and middle class people suffering and in poverty. These are the important issues that I want to raise on this matter and I await the answer. The workers, the trade union and the country await the Minister on this matter.

Mr. Speaker: It is my pleasure to call on the Minister of Trade and Industry and Minister in the Ministry of Finance. [*Desk thumping*]

7.15 p.m.

The Minister of Trade and Industry and Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne): I wish to thank the Speaker for the opportunity to speak on this matter and I wish to thank the Member for Oropouche East for raising this matter, if only for the opportunity to clarify and to elucidate the position for those who are listening and for those are present.

I think perhaps I should start off with reference to an answer that I made in the Senate when asked by the Opposition, what measures were being taken to protect the citizens of this country against the global economic recession. I pointed out that the world was being buffeted everywhere and it was not merely that Trinidad and Tobago was suffering the effects of a decline and in fact, in significant changes in the rate of unemployment in all developed countries.

I went on to make the point that notwithstanding the projected decline in revenue, the Government had opted to maintain a critical level of expenditure that will sustain economic growth whilst minimizing the impact on unemployment. In this regard expenditure on certain capital projects will be reduced and special care will be taken to ensure the preservation of the Senior Citizens Grant, disability grants, training programmes, and that there will be no cuts in salaries and wages.

BIR and Customs and Excise VSEP
[SEN. THE HON. M. BROWNE]

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I want to make the point that what we are dealing with here is clearly a crisis of communication and clearly a matter in which we have not communicated well and I think we need to clarify this point. Let me make it abundantly clear that there is no intention to fire people, to put people on the breadline. [*Interruption*] There is no intention to put people on the breadline!

Mr. Abdul-Hamid: Let the man talk, hush your mouth.

Sen. The Hon. M. Browne: The issue of the establishment of the Trinidad and Tobago Revenue Authority—[*Interruption*]

Mr. Speaker: Order!

Sen. The Hon. M. Browne:—goes back to March 2002, when a committee was established to examine the feasibility of establishing such an authority. The committee submitted the report. Government considered the report and established a committee to structure the Revenue Authority. The objectives of setting up the Revenue Authority were as follows:

1. To improve the efficiency and the effectiveness;
2. To overcome inefficient HR policies;
3. To modernize management and administration;
4. To address integrity problems;
5. To improve customer relations;
6. To introduce some private sector in terms of the management of the agencies.

The Ministry of Finance engaged consultants. It adopted and followed a number of models and I want to make the point that the establishment of a Revenue Authority has been done in approximately 45 other countries including Canada, Spain, UK, South Africa, including Guyana, Lesotho, amongst other places. Tanzania, Mauritius, Singapore, Zambia. It has been done. There is precedent.

There are a number of methodologies which should have been used to deal with and to transfer staff, in addition to which, a number of committees were established to deal with the organizational development, change management, human resource management and industrial relations. Committees were established to identify the difficulties under the specific headings of human resource issues, legislative issues, information technology, communication, accommodation. It is well established that two buildings have been built to accommodate the new

authority and as we speak, there has been much work to develop the institutions and to develop the business processes and structural layout.

The Revenue Authority is at the heart of Government finances. It therefore requires careful consideration and attention to detail and certainly an attention to business process. So as we speak, a number of committees are at work building out the process flows, the IT systems that will accommodate, that will hire the new staff. I think an important point needs to be made certainly from the point of view of HR policy. Organizations have no memory. The Board of Inland Revenue has no memory in itself, people do. Organizations have no skills, people have skills. So, it is fundamentally clear if this organization which stands at the heart of our revenue functions, which stands at the heart of Government's activity, then by definition we must staff it with people who have experience, with people who have skill, with people who have memory of tax processes. Now where will those people come from? They must come from the existing organization.

Mr. S. Panday: Well, transfer them over.

Sen. The Hon. M. Browne: Now what were the difficulties? I think it has been clearly established and let me go back again just in case you miss something that I said, part of reason for establishing a new authority was to improve efficiency, to improve effectiveness, to overcome ineffective HR policies and to modernize management and administration.

Mr. B. Panday: Which you could not do in the public service?

Mr. S. Panday: What about the HDC?

Sen. The Hon. M. Browne: And that is precisely the issue. In several instances we have established new organizations which have had successor provisions. We have examples and I know that Dr. Gopeesingh stands up from time to time and continually gives the Government a lot of licks for the failures of the Regional Health Authorities. Does he not?

Mr. Dumas: Oh yes, he does.

Sen. The Hon. M. Browne: He complains of all the other institutions in which he says we have carried over improper practices.

In the establishment of this new authority if these are the objectives, then by definition the Government must look at a way in which we will avoid the errors of the past. We do not simply want to establish a Revenue Authority which is in effect the old-writ-large or the old-writ-new. Therefore, we must try and we must

adopt something that would carry us in a new dispensation and will give the organization an opportunity to perform and to achieve the objectives which have been set by the establishment of this authority.

There were several options which were explored and I know that a draft Bill was circulated with three of those options, and I want to make the point that it is a draft Bill. It is a matter for discussion. [*Interruption*] It is a matter for discussion! That is what you do when you publish a draft. It is not final. It is still subject to further deliberations and that bill has three options. In fact, there were six options which were being explored and let me tell you what the six options were:

1. All existing positions in the Customs and Excise Division and the IRD to be abolished and a management of the TTRA to allow to conduct a full recruitment process;
2. Existing employees to be automatically transferred to the TTRA;
3. Existing employees may request a transfer. That is, automatic employment with the TTRA and Government does the screening and determines the relevant competencies;
4. Existing employees may request a transfer to the Trinidad and Tobago Revenue Authority and the Trinidad and Tobago Revenue Authority does the screening and determines the required competencies;
5. Existing officers may request a transfer to a comparable position in the rest of the public service, but this is dependant upon the availability of such a position; and
6. Existing employees may request a transfer to a comparable position in the rest of the public service and this would depend on availability.

These options were explored by the advisory committee and other consultants. There are a number of points which they made with respect to the options which were available, that:

1. One has to be mindful of the objectives of the establishment of the Trinidad and Tobago Revenue Authority in terms of the requirement to create a platform for greater efficiency;
2. Should the Government place any obligation on the management of the TTRA to accept employees automatically, taking into account the management is supposed to operate with a certain degree of autonomy and with new paradigms; and

3. Any screening by the Government could result in litigation for the very reasons that you identified, that somebody could say, “I object, because on what basis did you discriminate against me?”

It is well known but not well documented in the literature on human resource management in the Caribbean that there is a tendency for the evaluation process to arrive at “satisfactory”, and in general terms more than 98 per cent of staff reviews and staff performance reviews have a tendency to move in the direction of satisfactory; you are dealing with less than 2 per cent that are unsatisfactory. Those conditions create difficulty in terms of establishing new paradigms in the revenue authority and it also created certain difficulties with the establishment of norms, a normative behaviour that would be fresh in a new organization. Therefore, in the circumstances what do you do to ensure that everybody is treated equally? What do you do to ensure that everybody is in no worse position? Given that fact and given the circumstances and the decisions which were available to us, it was considered that the only way to arrive at such a position was in fact to offer everybody a VSEP package. That is the reality. That is the choice that was available.

Of all the options, it is a VSEP package and on that basis you then decide, you then interview, you make people apply for the jobs and then you choose on the basis of selected objective criteria. But to arrive at that position and that is one of the reasons why there are a number of committees at work. The committees are to determine what the jobs are and what the structures are. Remember, this is a new revenue authority, would have a higher level of computerization that existed in the past and a higher level of unification. It will be a unified revenue authority.

It will bring a whole new business process into orientation which does require a different level of thought and require different skill sets. [*Interruption*] On that basis—but you do not know until you have speced out the new institution, what will be required. It may require more employees than currently exist. It may require more employees. It certainly will require different skill sets. It will require different skill sets, but this does not mean that the people with the experience, the relevant training and background and the understanding of our legislation will all go on the breadline. That is not possible in the circumstances. That is also not possible given the critical nature of the revenue function. That is not possible! So, by definition what you are dealing with is an opportunity to give everybody a business package, called VSEP, which establishes a level playing field and you then interview, on the basis of objective criteria, to fill out and to staff the new organization. That is what you do and that is the programme. What we need to treat with moving forward is the communication of that particular methodology.

Mr. B. Panday: Minister, suppose some people do not accept it, what will happen?

Sen. The Hon. M. Browne: We are dissolving two institutions. The existing modalities of the public service allow people to apply for transfers. All right? And those are the options and they are persons' constitutional rights and there are rights which are enshrined in the legislation and involved in the Public Service Regulations, will not be vitiated in these circumstances. It will not change. They will still have those rights and they will still have options available to them.

So I just want to make that very clear. I want to make it abundantly clear as well that the Government is committed to a collective bargaining process. Under that collective bargaining process there are rights, duties and obligations and we will act in accordance with those rights and those duties, and we give that assurance. [*Desk thumping*]

I want to make the point again, organizations have no memory and certainly a new organization will have none. In order to bring a certain level of expertise, it must require staff from the previous institutions to move across. By definition, we will need people. So, it is not as though we are putting 2,000 people on the breadline and I want to give that commitment. It will be done on an objective basis.

Thank you very much, Mr. Speaker.

**Repair and Rehabilitation of M2 Tasker Road
(Government's failure to)**

Mr. Subhas Panday (*Princes Town North*): Thank you very much, Mr. Speaker. This Motion has been on the Order Paper for sometime now in the hope that the hon. Member for Diego Martin North/East would have responded and I would not have had the need to bring this Motion before the House. That is the failure of the Government to repair and rehabilitate the M2 Tasker Road from St. Madeleine Sugar Factory to the Naparima/Mayaro Main Road, Craguish Village.

That road is called the M2 Ring Road and it leads from the St. Madeleine Sugar Factory to the Naparima/Mayaro Road, Craguish Village. It is one of the major roads in south that services the South-Eastern end of Trinidad and Tobago for persons travelling from Central, North and South. In particular, it services the residents of the constituency of Naparima, the constituency of Princes Town South, the constituency of Princes Town North/Tabaquite, the constituency of Mayaro and parts of Oropouche East.

7.30 p.m.

Mr. Speaker, this road is in a very dilapidated condition. It is almost impassable and it is filled with potholes. Also, although it is a very busy road and a main arterial road, from the point which I have spoken from St. Madeleine to Princes Town about four or five kilometers, there are no houses at all on that road. It is really the wilderness. As a result of the condition of this road, there have been a lot of accidents where drivers try to evade the potholes and collide with one another, causing serious injury to passengers and commuters on that road.

Apart from accidents, as I have indicated, the road is very lonely and in particular, in the middle of the cane field there is a river and there is a cylinder that crosses the road. That cylinder is broken at the top, so when you are driving, your car could fall in the hole and if that happens to you in the night, then it is a struggle.

I have written to the hon. Minister asking him to deal with it, and do you know how he dealt with it? But before I go to that, what is the consequence of this problem? Many motorists as they travel on that road have to stop or slow down. In the night, when they slow down there, unsuspecting motorists are pounced upon by bandits. Bandits rob people. I think last week about six cars had been robbed at midnight on that road. I think that it is a constituency matter, but it was necessary to bring it to the attention of the House. It is not only dangerous for road traffic, but it is ripe for robberies and even rapes.

Mr. Speaker, I have written to the hon. Minister about this and hear how they dealt with this problem. There is a big hole in the road in a cylinder, a river passes underneath, they take something called "crush" and throw it over the hole. As vehicles pass shortly after, and they vibrate, all the crush falls through the hole and people's vehicles fall into the hole again. That is what they have been doing over and over.

Mr. Speaker, do you know what that led to? They throw so much rubbish through the hole, that when the river came down, it created a flood. The Government is spending money all over the country to deal with flooding and the Government is creating flooding. That is why today, when I made the comment about that Minister, he got annoyed. But I feel so strongly about it, that he is doing nothing whatsoever. That situation continues today, as it was before. I have written to him on several occasions, he has refused even to respond.

Mr. Speaker, this seems to be the modus operandi of the PNM, as to the way they treat the rural constituencies. And when I say rural, I do not mean UNC constituencies because it affects the Member for Princes Town South/Tableland also. *[Interruption]*

Mr. Sharma: Poor "fella" cannot make any representation.

Mr. S. Panday: So when I speak here today, I do not speak for the UNC people, I speak for all the people of south east Trinidad. I make this claim and I make this request also on behalf of the Member for Princes Town South/Tableland because I know he suffers and he cries quietly, but he cannot talk. I will talk for him. That is a problem we are having and the Minister is numb to the request we have made.

Mr. Speaker, there is another road in my constituency, Princes Town North, St. Julien. There are eight landslips and the road has become impassable. I have written to the hon. Minister and he has done nothing. He would not even respond. The reason why I treat him like that is because I know he treats his own colleagues like that. So you need to deal with him.

The Buen Intento Road, there are three or four landslips. The road is impassible and he would not do anything. The Garth Road, Princes Town, a main road that connects the Naparima/Mayaro Road to Williamsville and he does nothing. I hope by raising this matter in this honourable House, that I did somebody to agitate him, to force him to work. [*Interruption*]

Hon. Member: Nothing will cause him to work.

Mr. S. Panday: Nothing will cause him to work they say, but I hope that something happens.

This Government has \$3 million to spend on drapes in the Prime Minister's house. The Prime Minister's house is maintained by the Government. The Government spent \$3 million—for the poor people of Princes Town North, Princes Town South and Naparima—to put up curtain in the Prime Minister's house and they cannot fix roads where motorists' vehicles are dropping in the holes and they are being robbed. This Government—I do not know how they have their priorities, but they will not deal with the problems of poor people who voted for them, both the PNM and UNC.

Today, I speak for all the people of south east Trinidad, persons who voted for PNM, UNC and COP because I hear their cries. We are asking the hon. Minister tonight to give a commitment that work will start on that road, that the landslips in St. Julien Road, Nohar Road, Buen Intento Road and Garth Road, that you will pay some attention.

I still believe that regardless to what I say about him, Mr. Speaker, he has a little heart in him.

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

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker, the Member for Princes Town North is such a dramatist—[*Interruption*]

Hon. Member: [*Inaudible*]

Hon. C. Imbert: Not at all—the Motion makes no mention of Garth Road, St. Julien Road, Buen Intento Road, or any of those roads. [*Interruption*]

Mr. S. Panday: I wrote you about it.

Hon. C. Imbert: The Motion speaks about the M1 Ring Road. So all this ranting and raving, carrying on and misbehaving about all those other roads, they do not exist in the Motion.

The other thing that the Member has not told this House is that he filed question No. 170 in 2008 and it reads as follows:

- (a) Is the Minister aware that the M1 Ring Road from Manahambre Road to Craignish Village has a heavy traffic flow?
- (b) Is the Minister also aware that the said road is deteriorating very rapidly?
- (c) Could the Minister state if and when the said road will be rehabilitated?

Mr. Speaker: Order!

Hon. C. Imbert: Mr. Speaker, in 2008, the Member for Princes Town North asked a question about this road and he got an answer. It is about six months ago, not a year ago and he got an answer. Part of the answer was as follows:

"The road is programmed for rehabilitation in the first quarter of 2009."

Having received that answer just about six months ago—[*Interruption*]

Hon. Member: The quarter is finished.

Hon. C. Imbert: The quarter is finished?

Hon. Members: Yes.

Hon. C. Imbert: Is so? I thought the quarter finished at the end of the third month. You have a Chinese quarter. So the point is, Mr. Speaker, what is this fuss all about? We spoke about this road already. The Member asked a question and we said we will rehabilitate the road in 2009. What is all this screaming about?

There are some issues that I need to correct. I need to correct the record. When the Member speaks, he is sometimes incoherent and incomprehensible.

Mr. S. Panday: I will deal with you.

Hon. C. Imbert: How can a main arterial road be a lonely road? How is that possible? How can a main arterial road have no houses on it for five miles?

Mr. S. Panday: That is true.

Hon. C. Imbert: It is not possible. You see, the Member for Princes Town North knows the history of these roads. These were tasker roads and these were cane field roads. [*Interruption*]

Mr. S. Panday: True.

Hon. C. Imbert: They had no proper foundation. Some of them were just dirt roads through the cane field. What the Ministry of Work and Transport did under this PNM administration, recognizing that if we upgraded the M1 Tasker Road and the Daisy Road, we would provide an alternative access route to the public.

About five years ago, the Ministry rehabilitated and upgraded the Daisy Road and the M1 Tasker Road, that is the subject of this Motion. The roads are victims of their own success. Previously, they were cane field roads, lonely roads as you say. We upgraded them to first-class roads, and what happened was that rather than commuters and drivers using the Manahambre Road and the Naparima/Mayaro Road, the main arterial roads in the area— Let me repeat, the main arterial roads in that area are the Manahambre Road and the Naparima/Mayaro Road. But when this PNM administration rehabilitated the M1 Tasker Road and the Daisy Road, because they provided a good alternative access, we have found that more than 80 per cent of the traffic travelling between the Princes Town area and Craignish Village, have diverted on to these two tasker roads.

Mr. S. Panday: True.

Hon. C. Imbert: So the roads are victims of their own success. It was the PNM that decided to create these two alternative access roads. Under the UNC, there were no roads. It is we that built these two roads. [*Desk thumping*] We built them. We had the vision to create these two alternative access routes in south Trinidad.

It was this PNM administration that did that. [*Desk thumping*] I have gone through this already. Those were cane field roads without a proper foundation. As I said, they are victims of their own success. There are large 10-wheeler trucks and other heavy industrial vehicles using these roads. The roads were never

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designed to take those kinds of loads, Mr. Speaker. We recognized that with the Daisy Road, I said this before. It is as if when the Member comes into this House, his memory is blank. He is like the organization that the Minister of Trade and Industry spoke about. He has no memory. *[Interruption]*

Mr. S. Panday: I never told you that—*[Interruption]*

Hon. C. Imbert: Mr. Speaker, we have already rehabilitated one of these access roads, the Daisy Road using what is called "cold in-place recycling". The Members opposite are so mischievous and disingenuous, that when—*[Interruption]* "mischievous, mischeievous is de same ting; yuh can't be trusted"—we rehabilitated the Daisy Road using the cold in-place recycling method, both the Member for Princes Town North and the Member for Naparima came to me and said, "What kind of ting all yuh doing there, boy? It wuking yuh know." In admiration they came and said, "Look at the technology the PNM is using." *[Desk thumping]*

[Mr. S. Panday stood]

Hon. C. Imbert: Oh, sit down, you cannot intervene. Mr. Speaker, he cannot intervene.

Mr. S. Panday: And that is true.

Hon. C. Imbert: You cannot intervene. Sit down!

Mr. S. Panday: That is true!

Hon. C. Imbert: Sit down!

Mr. S. Panday: That is true, I said so.

Hon. C. Imbert: And I have said repeatedly in this House that it is our intention, funds permitting and I want to repeat, funds permitting to use the same cold in-place recycling method to upgrade the M1 Tasker Road. I told him that before. So why are you bringing this foolish Motion here? I told you that we would use the cold in-place recycling method and we will rehabilitate this road in 2009. So just have some patience and stop bringing these foolish Motions into this House.

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

Question put and agreed to.

House adjourned accordingly.

Adjourned at 7.44 p.m.

WRITTEN ANSWERS TO QUESTIONS
Multi-Sector Skills Training Programme
(Number of Youths Trained)

Pursuant to his reply to question No. 42 earlier in the proceedings, the Minister of State in the Ministry of Science, Technology and Tertiary Education (Hon. Fitzgerald Jeffrey) caused to be circulated the following statistics:

AGGREGATE NO. OF PROJECTS IN CONSTRUCTION LEVEL I: 194

The projects for Level II are as follows:

No.	Industry Partner	Projects
1.	D2F Electrical Ltd.	Point Lisas Industrial Estate, Point Lisas
2.	Complete Wiring & Maintenance Ltd.	San Fernando Multi Storey Car Park, Chancery Lane, San Fernando
3.	G. Boochoon & Sons Ltd.	Surgi Medical Nursing Home, Penitence Street, San'do
4.	G. Boochoon & Sons Ltd.	Cross Crossing, San'do Housing Project
5.	Kennicon Engineering	Harmony Hall, Ind. Estate, Marabella
6.	Trinweld Contracting Services	Harmony Hall, Ind. Estate, Marabella
7.	Damus Ltd.	Harmony Hall, Ind. Estate, Marabella
8.	Yube's Contracting Services	Anglican Government School, Ruth Avenue, San Fernando
9.	Yube's Contracting Services	Roy Joseph Housing Project
10.	Sid Electrical	Domestic Houses-Ste Madeleine
11.	Samlal's Electrical Services	Domestic Houses-#21 Black Street, Reform, Marabella.
12.	Hookmally Ali and Sons	Domestic Houses-Boodoosingh Road, Sobo Village, Point Fortin.
13.	S.A.S.E.L. Ltd.	Domestic Houses - Lewis Street, San'do.
14.	Rainbow Construction	Domestic Houses-Corinth Hills, P/Ville.

No.	Industry Partner	Projects
15.	Johnson Construction	Domestic Houses-Gulf View, La Romain
16.	FEMCO Limited	Domestic Houses-Hidden Orchards, Santa Cruz
17.	Royal Homes Limited	Royal Homes Housing Project
18.	Saffire Enterprises	UWI Maintenance Dep't
19.	W.A.S.A	WASA Maintenance Projects, St Joseph
20.	LJ Williams	Domestic Houses
21.	Carillion	Domestic Houses, Next to Edinburgh Government School
22.	HDC	HDC Towers, La Clave St., Edinburgh 500
23.	Vialva Construction	Domestic Houses, Edinburgh 500
24.	HDC	HDC Housing Project, Couva
25.	Yorke Electrical	Domestic Houses
26.	H Lewis	Domestic Houses 5th St., Edinburgh 500
27.	Mustapha Engineering	IDC Industrial Estate, Biljah Road
28.	Carillion	Waterloo Depot, Couva
29.	Francis Engineering Ltd.	Welding Shop, Corner Ramcharan St. & Southern Main Rd, Couva
30.	Ozone Park	Private Housing Development, Guhraoo Trace, Chase Village
31.	Adam's Project Management & Construction	Welding Workshop, #91 Frederick Settlement, Caroni
32.	Gormancy Engineering	Sea Lots Factory
33.	CW Fabricating Co Ltd	Bournes Road, St James
34.	Montrichard Housing	Houses in Maraval
35.	Francis Lau Construction	Trinidad and Tobago Port

No.	Industry Partner	Projects
36	Maritime Preservation Co.	Trinidad and Tobago Port
37	Marina Havens	Chaguaramas Dock Yard
38	Kee Chanona Ltd.	Victoria Keyes Housing Project
39	Anthony James Plumbing	Domestic Houses, Goodwood Park
40	Beaver Construction	Pricesmart, Mausica
41	Beaver Construction	Commercial Buildings Next To Pricesmart (Movietowne)
42	Ozone Park	Condominium Houses, Ozone Park

TOTAL NO. OF PROJECTS IN CONSTRUCTION LEVEL II: 42

The Hospitality and Tourism projects are as follows:

SOUTH REGION

No.	Industry Partners and Projects	Location
1.	Aaron's Bakery	Techier Village, Point Fortin
2.	Ann's Dinner	St. James Street, San Fernando
3.	Cara Suites Hotel	Claxton Bay
4.	Classic Bakes	Retrench, San Fernando
5.	D' Nutmeg	Main Road, Point Fortin
6.	Eat It Restaurant	Scott Street, San Fernando
7.	Gil's Restaurant	City Hall, Edan Centre, High St., San'do
8.	Golden Palace	Southern Main Road, Marabella
9.	Hi Lo Bakery/Patisserie	Gulf City, La Romaine
10.	K.L's Bakery Ltd	Naparima Mayaro Road, Palmyra
11.	L.A.P.D. Restaurant	Cross Crossing, San Fernando
12.	Nichossa Bakery & Café	Gulf View Link Road, San Fernando
13.	Nick Nack Caterers	Petrotrin Pointe-a-Pierre, Marabella

No.	Industry Partners and Projects	Location
14.	Pagoda Restaurant	Independence Avenue, San Fernando
15.	Palki Restaurant	Todd Street, San Fernando
16.	Paria Suites Hotel	South Trunk Road, La Romaine
17.	Royal Hotel	Royal Road, San Fernando
18.	Sitara Restaurant	Gulf City, La Romaine
19.	South Western Court	Cap-de-ville Main Road, Point Fortin
20.	T.G.I. Fridays Restaurant	Gulf City, La Romaine
21.	The Red Pepper Restaurant	SS Erin Road, San Fernando
22.	Tradewinds Hotel	St. Joseph Village, San Fernando
23.	Vie De France Restaurant	Gulf City, La Romaine

**Total Number of Hospitality Industry Partners and Projects in South
Region: 23**

CENTRAL REGION

No.	Industry Partners and Projects	Location
1.	Addy's Catering	Balisier Avenue, Couva
2.	Angie's Restaurant	Rivulet Road, Couva
3.	Baker's Loft	Freeport
4.	Bal-tar-zzar Restaurant	Cor. Edgar St. & Southern Main Road, Couva
5.	Bambu Shak	Rodney Road, Chaguanas
6.	Bougainvillea Restaurant	Eleanor Street, Chaguanas
7.	Chinese Wok Restaurant	Mid Center Mall, Chaguanas
8.	Country Style Cuisine	Level 1 Atlantic Plaza, Point Lisas
9.	Daawat Authentic Indian Cuisine	Montrose Main Road, Chaguanas
10.	Dim Sum King Restaurant	Mulchan Seuchan Road, Chaguanas

No.	Industry Partners and Projects	Location
11.	Eat Out Restaurant	Enterprise Street, Longdenville
12.	EG's Food Court	Eleanor Street, Chaguanas
13.	Food Basket International	Biljah Road, Chaguanas
14.	Becky's Bakery	Chin, Chin Junction, Cunupia
15.	Fresh Bake Bakery	Ramsaran Street, Chaguanas
16.	Hi Lo Bakery/Patisserie	Mid Center Mall
17.	Jenny's Bakery	McCaulay Park East, California
18.	Kampo Restaurant	Ramsaran Street, Chaguanas
19.	KCK Catering	Freeport
20.	Laura's Restaurant & Catering	Cor. John Street & Southern Main Road, Chaguanas
21.	M & M Bakery	Ragoonanan Road, Cunupia
22.	Marhaba Restaurant	ASJA Compound, Charlieville
23.	Medford Grill Express	Endeavor Flyover
24.	Mongolian Grill	Price Plaza, Endeavor Road
25.	Naipaul's Xtra Foods-Food Court	Eleanor Street, Chaguanas
26.	Price Smart-Bakery/Patisserie	Price Plaza, Endeavor Road
27.	Raz Café & Grill	Charlieville, Chaguanas
28.	Rita' Catering	Enterprise Street, Chaguanas
29.	Ruby Tuesday Restaurant	Grand Bazaar & Price Plaza, Endeavor Road
30.	TGI Fridays Restaurant	Price Plaza, Endeavor Road
31.	TJ's East Indian Cuisine & Grill	Cafeteria of Teacher's Training College Valsayn
32.	Trini to D Bone	Biljah Road, Chaguanas

No.	Industry Partners and Projects	Location
33.	Triple K Bakery	Caroni Savannah Road, Chaguanas
34.	Urban Grill	Chaguanas Main Road
35.	Wing Hua Chinese Restaurant	Edinburgh Main Road, Chaguanas

Total Number of Hospitality Industry Partners and Projects in Central Region: 35

NORTH EAST REGION

No.	Industry Partners and Projects	Location
1.	Asa Wright Nature Resort	7 ¾ Mile Blanchissuese Road
2.	Bel Air Hotel	Piarco
3.	Benihana Restaurant	Trincity Mall
4.	Berliki's Services	#18, Cashew Court, Santa Rosa
5.	Botticelli's Restaurant	City of Grand Bazaar, Valsayn
6.	Castros	Broadway Arima
7.	Crème Bruele	Trincity Mall
8.	CT Garden Inn	#31, Ashland Ave, Valsayn North
9.	G&S Catering	3 rd St. West Cane Farm
10.	Golden Crown Bakery	#19 Bowen St., Tunapuna
11.	Holiday Inn Express	#1 Exposition Drive, Trincity
12.	Island Spice Cuisine	Unit #14, Lot 2C, Chootoo Rd, EL Socorro Ext, San Juan
13.	J. Malone's Restaurant	Trincity Mall
14.	Justin's' Café	#1, Orange Grove Rd, Tacarigua
15.	Katerserve	Piarco
16.	Muscavados Restaurant	Trincity
17.	Palm's Hotel	Piarco
18.	Piarco International Hotel	Piarco

No.	Industry Partners and Projects	Location
19.	Playa Del Este Private Resort	13 ¾ Mile Post, Toco Main Road, Salybia
20.	Price Smart- Bakery/Patisserie	Churchill Roosevelt Highway, Mausica
21.	Salybia Nature Resort & Spa	Toco Main Road, Salybia
22.	St. Mary's Bakery	Eastern Main Road, Curepe
23.	Tamana Environmental Organization	Guaico Tamana
24.	Tru Value Supermarket Bakery	Trincity Mall
25.	Unique Cuisine (WITCO)	Champ Fleur
26.	Valpark Chinese Restaurant	#1, Morequito Ave, Valsayn
27.	Xtra Foods Supermarket Ltd Bakery and Patisserie	Uriah Butler & Churchill Roosevelt Highway Grand Bazaar, Valsayn

Total Number of Hospitality Industry Partners and Projects in Northeast Region: 27

NORTH WEST REGION

No.	Industry Partners and Projects	Location
1.	Admiral Nelson Restaurant and Bar	Corner of Warner and Woodford Streets, Newtown
2.	Alicia's Guest House	Coblentz Garden, St. Ann's
3.	Ambassador Hotel	Long Circular Road, St. James
4.	Angostura Restaurant	Eastern Main Road, Laventille
5.	Aura Restaurant	Cipriani Boulevard
6.	Bat 'N' Ball	Tragarete Road, Woodbrook
7.	Battimanzelle Restaurant	Coblentz Avenue, Cascade
8.	Bien Venido Caterer's	Port of Spain
9.	Carnetta's Inn	Saddle Road, Maraval

No.	Industry Partners and Projects	Location
10.	Chaconia Hotel	Saddle Road, Maraval
11.	Chancellor Hotel & Conference Centre	St. Ann's Avenue, St. Ann's
12.	Chaud Restaurant	Queen's Park West, Port-of -Spain
13.	Court Yard By Marriott	Invader's Bay, Audrey Jeffers Highway, Port-of-Spain
14.	Crews Inn Hotel Yachting Center	Chaguaramas
15.	Crowne Plaza Hotel	Wrightson Road, Port of Spain
16.	Garibaldi Restaurant	Off Ariapita Avenue, Woodbrook
17.	Giuliano's Restaurant	Tragarete Road, Woodbrook
18.	Halyconia Inn	#7, First Avenue, Cascade
19.	Hanami Restaurant	Movietowne
20.	Heavenly Restaurant	#19-21, Town Center Mall, Frederick Street, Port-of-Spain
21.	Helen's Kitchen	#9, Cravat Circular Rd, River Estate, Diego Martin
22.	Hi Lo Bakery/Patisserie	St. Ann's
23.	Hilton Hotel	Lady Young Road, Port-of-Spain
24.	Hotel Normandie	Nook Avenue, St. Ann's
25.	HYATT Regency Hotel	Wrightson Road, Port of Spain
26.	IL Colosseo Restaurant	Ariapita Avenue, Woodbrook
27.	Inn #87 Guest House	Woodford Street, Port-of-Spain
28.	J Malone's Restaurant	Movietowne
29.	Jaffa Restaurant	Tragarete Road
30.	Jardin Des Tuileries	Ground Floor, The Falls, West Mall

No.	Industry Partners and Projects	Location
31.	Jenny's on the Boulevard Restaurant	Cipriani Boulevard
32.	John Donaldson Food Hut	Wrightson Road, Port of Spain
33.	Joseph's Restaurant	Rookery Nook Street, Maraval
34.	Kapok Hotel	Cotton Hill, St. Clair
35.	Linda's Bakery	#23-25, Saddle Road, Maraval
36.	Mangoes Restaurant	Independence Square, Port-of Spain
37.	Martin's Lounge	Cipriani Boulevard, Woodbrook
38.	Melbourne Inn	#7, French Street, Woodbrook
39.	Monique's Guest House	Saddle Road, Maraval
40.	Nicholas Towers Food Court Restaurants	Independence Square, P.O.S.
41.	Paradis de La Crème	Movietowne
42.	Regency Restaurant	#122, St. Vincent St., Port-of Spain
43.	Royal Palm Hotel	#7, Saddle Rd, Maraval
44.	Ruby Tuesday Restaurant	Movietowne
45.	Shanghai Restaurant	Movietowne
46.	Solimar Restaurant	St. Ann's
47.	Sweet Lime Restaurant	Ariapita Avenue, Woodbrook
48.	TGI Fridays Restaurant	Port of Spain
49.	The Cascadia Hotel & Conference Center	Ariapita Road, St. Ann's
50.	Trader Jack Restaurant	Movietowne
51.	Trotters Restaurant	Maraval and Sweet Briar Road, P.O.S.
52.	Unilever Cafeteria	Champs Fleurs
53.	Vespa Restaurant	Chaguaramas

No.	Industry Partners and Projects	Location
54.	Vie De France Restaurant	Glencoe Branch and Maraval Branch
55.	Woodford Café	Movietowne
56.	Zanzibar Restaurant	Movietowne

Total Number of Hospitality Industry Partners and projects in Northwest Region: 56

TOBAGO REGION

No.	Industry Partners and Projects	Location
1.	Blue Waters Inn	Batteaux Bay, Speyside, Tobago
2.	Cholson Chalets	Man-of-War Bay, Charlotteville, T'go
3.	Coco Reef Hotel	Crown Point, Tobago
4.	Crown Point Hotel	Crown Point, Tobago
5.	Grafton Beach Resort	Black Rock, Tobago
6.	Mount Irvine Resort	Mount Irvine, Tobago
7.	Sharon & Pheeb's	Charlotteville, Tobago
8.	Sheppy's Car Rental	Crown Point, Tobago
9.	Space Side Inn	Mantalodge, Windward Road, Speyside, Tobago
10.	Toucan Inn Bonkers	Store Bay Local Road, Tobago
11.	Turtle Beach	Courland Bay, Scarborough, Tobago
12.	VHL Tobago Golf & Spa Resort	Lowlands, Tobago

Total Number of Hospitality Industry Partners and Projects in Tobago Region: 12

Aggregate Hospitality Industry Partners and Projects: 153

Mr. Speaker, the total sum expended on stipends amounts to \$152,991,970.00 for the period July 2004 to February 11, 2009.

The following question was asked by Nizam Baksh (Naparima):

**Targeted Conditional Cash Transfer Programme
(Number of Beneficiaries, 2008)**

- 43.** With respect to the Targeted Conditional Cash Transfer Programme (TCCTP), could the hon. Minister of Social Development state:
- a) the number of beneficiaries under the provision of this programme in 2008;
 - b) what is the percentage success rate for applicants of this social programme; and
 - c) what opportunities are available for unsuccessful citizens to appeal the decision of the District Administrative Services?

The following reply was circulated to Members of the House:

Since the launch of the programme in August 2006, over 28,832 persons have been issued with Debit Cards. A total of 17,197 persons were incorporated from the Social Help and Rehabilitative Efforts (SHARE) programme and 9,459 new applicants were processed from January 1st, 2008 to December 31st, 2008. The following provides a statistical breakdown of the number of persons who received Debit Cards by region/district in Trinidad and Tobago during 2009:

REGION	TOTAL NUMBER APPROVED FOR 2008
Chaguanas	1,100
Couva	1,250
Penal/Debe	783
Point Fortin	353
Port of Spain	507
Princes Town	1,251
San Fernando	1,045
Sangre Grande	2,046
San Juan	907
Tobago	217
TOTAL	9,459

For the period January 1st, 2008—December 31 31st, 2008, there were 12,332 applications. Of this figure 9,459 were approved/recommended. One of the major mandates of the programme is promoting nutrition and food security to vulnerable households. In this regard, the percentage success rate for the approved households who have benefitted from this initiative is 100%.

In terms of the success rate for dealing with application for the TTCard for this period, throughout the country, it is approximately 76%. To qualify for a card a person must make thirty (30) points or less. Several areas would be looked at to determine total points earned. These include income, education level, value of assets and condition of housing.

A statistical breakdown of the success rate for processing applications by region is as follows:

REGION	TOTAL NUMBER OF APPLICATIONS RECEIVED FOR 2008	TOTAL NUMBER APPROVED FOR 2008	% SUCCESS RATE
Chaguanas	1,187	1,100	93
Couva	1,315	1,250	95
Penal/Debe	804	783	97
Point Fortin	617	353	57
Port of Spain	993	507	51
Princes Town	2,040	1,251	61
San Fernando	1,156	1,045	90
Sangre Grande	2,264	2,046	90
San Juan	1,637	907	55
Tobago	319	217	68
Total	12,332	9,459	76

Those persons who were not successful generally were unable to satisfy the requirements as it related to:

- Income ceiling
- Education level
- Housing condition

Clients who have not been recommended for the TCard are advised via a letter from the regional office on their status. Persons who are not satisfied or in agreement with the decision are invited to visit the relevant office for further clarification. The Ministry has reviewed this system and has developed an appeal procedure which involves the establishment of a Case Review Panel. Such a Case Review Panel comprises:

- A representative of the Ministry of Social Development;
- The National Director and/or the Assistant Director of the TCCTP;
- A social worker from the Ministry of Social Development.

The process involves the client completing an appeal form, which would be available at the regional office. This appeal form with relevant report is submitted to the Case Review Panel which is carded to meet every month or as deemed necessary. Subsequent to the meeting of the Case Review Panel, the decision on the appeal is communicated to the relevant regional office. The regional office then informs the applicant in writing of its decision with respect to the appeal.

The following question was asked by Mr. Winston Peters (Mayaro):

**Agricultural Leases Mayaro/Rio Claro
(Issuance of)**

- 48.** With respect to the issuance of agricultural leases in the Mayaro/Rio Claro region for the period 2007 to December 2008, could the hon. Minister of Agriculture, Land and Marine Resources state:
- a) the names of applicants and the date of each application; and
 - b) the acreage leased to each successful applicant, the location of leased land and the specific purpose granted in each case?

The following reply was circulated to Members of the House:

The policy of the Ministry of Agriculture, Land and Marine Resources with respect to the issuance of agricultural leases is to invite through the print media, applications for agricultural lands identified for lease by the State. Such applications for agricultural lands are entertained in response to advertisements by the Ministry of Agriculture, Land and Marine Resources but there was no advertisement during 2007, nor up to November, 2008.

Applications submitted by persons which are not in keeping with the policy for response to such advertisements cannot be processed. In this regard, no

standard agricultural leases had been granted in the Mayaro/Rio Claro region during the period 2007 to December 2008.

Within the Mayaro/Rio Claro region, nine (9) vacant parcels in the Moruga Food Crop Project and eleven (11) parcels in the Cushe Food Crop Project were advertised in November/December 2008. Those applications have not yet been subjected to the review, assessment and evaluation process, therefore it will be premature to disclose the names of the applicants prior to the review of applications and selection for allocation.

However, we can report that thirteen (13) applications have been received for the Moruga Food Crop Project and seventy-seven (77) applications for the Cushe Food Crop project.

As soon as the allocation process has been completed, the names of the successful applicants will be made public.

The Ministry's Land Administration Division is currently processing these applications. As such, no successful applicants have yet been selected.

The following question was asked by Mr. Subhas Panday (Princes Town North):

**National Street Lighting Programme
(No. of Lights Installed)**

- 53.** Could the hon. Minister of Public Utilities state:
- a) the number of street lights installed under the National Street Lighting Programme which are not functional at present; and
 - b) why have the street lights mentioned in paragraph (a) not been repaired?

The following reply was circulated to Members of the House:

Government, in March 2005, took a decision to implement a National Streetlighting Programme in Trinidad and Tobago. The programme was to be implemented by the Trinidad and Tobago Electricity Commission (T&TEC) over the period 2005 to 2007, and it was designed to:

- (i) Install approximately 82,000 new streetlights
- (ii) Upgrade approximately 36,000 lamps from 70W to 150W luminaries
- (iii) Illuminate approximately 80km of new highways and primary roads
- (iv) Address the streetlighting needs of new housing developments
- (v) Ensure that high risk areas are adequately lit.

The aim of the programme was to illuminate every shared community area, highway and major roadway throughout the country so as to:

- Improve visibility on our roadways so as to help in the reduction of night time accidents
- Facilitate traffic flow, particularly at nights
- Promote business activity and positive social interaction, and facilitate safety for pedestrians and other citizens.

The programme was launched in December 2005, and as at January 2009, the Street Lighting Implementation Unit at T&TEC had installed 138,746 street lamps along the nation's highways and roadways. This comprised 83,961 new street lamps, 49,875 lamps which were upgraded from 70W to 150W or 250W, and 4,910 street lamps which were replaced with 250W lamps. Apart from this there are an estimated 24,000 older street lamps on the national electricity grid.

T&TEC had also informed that two (2) main reasons generally contribute to non-functioning streetlamps. Firstly, as is expect with any manufactured product, the lamps have an expected lifespan. Therefore, it is expected that some of the older lamps which would have been in place long before 2005, would have reached or be close to the end of their expected lifespan, after which time the failing or failed lamp would have to be replaced. And secondly, as is the case with any manufactured product, there were incidences of lamps having defective components, which resulted in their shortened lifespan. In such cases the defects were made good by manufacturer's warranty.

T&TEC receives reports of failing, failed and defective street lamps from employee surveys and from members of the public at its various area distribution offices. Those reports are processed at T&TEC's Street Lighting Implementation Unit, from where the non-functional streetlamps are repaired or replaced accordingly.

As at February 25, 2009, the number of reports on non-functioning street lamps yet to be repaired was 375. It should be noted that this represents 0.2% of the 162,746 street lamps in the system. The normal period within which lamps are repaired from the date of the report is three (3) weeks.