

**THE  
PARLIAMENTARY DEBATES  
OFFICIAL REPORT  
IN THE THIRD SESSION OF THE TENTH PARLIAMENT OF THE REPUBLIC OF  
TRINIDAD AND TOBAGO WHICH OPENED ON JUNE 18, 2010**

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**HOUSE OF REPRESENTATIVES**

*Monday, June 17, 2013*

The House met at 1.30 p.m.

**PRAYERS**

[MR. SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. Speaker:** Hon. Members, I have received communication from the hon. Kamla Persad-Bissessar, Member of Parliament for Siparia and Prime Minister, and the hon. Winston Dookeran, Member of Parliament for Tunapuna. They have both asked to be excused from today's sitting of the House. The hon. Winston Peters, Member of Parliament for Mayaro is currently out of the country and has asked to be excused from sittings of the House during the period June 17-24, 2013; Dr. Amery Browne, Member of Parliament for Diego Martin Central is also out of the country, and has asked to be excused from sittings of the House during the period June 17–22, 2013.

The leave which the Members seek is granted.

**PAPER LAID**

Motor Vehicles and Road Traffic (Amendment) Regulations, 2013. [The Minister of Transport (*Hon. Chandresh Sharma*)]

**ORAL ANSWERS TO QUESTIONS**

**The Minister of Housing, Land and Marine Affairs (Hon. Dr. Roodal Moonilal):** Mr. Speaker, today the Government is in a position to answer question Nos. 37, 38, 39, 46 and 47; question No. 45, we ask for a two-week deferment.

*The following question stood on the Order Paper in the name of Mr. Fitzgerald Jeffrey.*

**Rehabilitation Works in La Brea Constituency  
(La Brea)**

- 45.** Could the Minister state why rehabilitation works have not commenced on the following landslips to date?
- a) Upper Salazar Trace between LP#24 and LP#25;
  - b) Upper Sobo Village Road in La Brea;
  - c) La Union Road, Erin;

- d) Fortune Mc Carthy Street in Vance River Village;
- e) Parrylands Road in the Vicinity of George Blake Trace Junction;
- f) Sobo Village Main Road near the Sobo Community Centre.

*Question, by leave, deferred*

**Mr. Speaker:** The hon. Member for Port of Spain North/St. Ann's West.

**Ministry of Education  
(School Social Workers Positions)**

- 37. Mrs. Patricia Mc Intosh** (*Port of Spain North/St. Ann's West*) asked the Minister of Education: Is there a plan to establish a position of School Social Worker within the Ministry of Education and if so, when?

**Mr. Speaker:** The hon. Minister of Education. [*Desk thumping*]

**The Minister of Education (Hon. Dr. Tim Gopeesingh):** Mr. Speaker, question No. 37 is linked to one of the previous questions asked by the Member for Port of Spain North/St. Ann's West, and for which I gave a very comprehensive answer with respect to the entire Student Support Services Division of the Ministry of Education last week; the answer to that is recorded in the *Hansard* publication.

For the benefit of the hon. Member for Port of Spain North/St. Ann's West, and for the Parliament, I wish to re-emphasize and re-indicate to the Parliament, that the school social worker position is one of the 17 positions within the Ministry of Education in the Student Support Services Division, for which the Ministry of Education re-examined in detail, to ensure that the support services for the students, which are required, in particularly our secondary schools and to a lesser extent in our primary schools, are adequately dealt with and the students are supported in the prevention of dysfunctionalities, and in their behaviours and possible elimination of these delinquent behaviours in the schools, in addition to ensuring some degree of career guidance for our students.

The answer to that is, that Cabinet re-examined all these positions and now we have close to 782 positions in the Student Support Services Division, and as I indicated, 273 guidance counsellor positions, now 148 school social workers, seven senior school social workers, 14 behavioural specialists, 14 clinical psychologists, 14 school psychologists, one inclusive education specialist, seven diagnostic specialists, one coordinator—education, diagnostic prescriptive services; one coordinator—guidance and counselling and one manager for the entire situation. We also have 45 senior special education personnel, 148 on the

establishment now for special education instructors, 68 special education teacher aides and 33 interpreter assistants, four braille technicians and three braille conversion operators now making a total of 782 positions which will be in the Ministry of Education.

Of these 782, Cabinet recently passed 395 of these positions as new positions. We had renewed contracts for 218 positions previously, and there were 75 previous contracts with life in them. So the 218 renewed contracts, plus the 75 previous contracts with life, plus the new 395 positions passed by Cabinet recently—I believe it was in April—which we have now advertised. Over 300-plus candidates have applied in just the area of guidance counsellors alone, and which we hope to fill very shortly before the commencement of the next academic year.

The position of school social worker was established, I believe in 2004, and the Chief Personnel Officer was supposed to do the classification for this position that was on the establishment; this did not happen for a long time. Then the Ministry of Education took the position, that because the Chief Personal Officer had been unable to reclassify these positions or to classify them, the Ministry of Education went ahead and ensured that contract positions were filled for these.

So, therefore, seven School Social Worker II positions were created, and 75 School Social Worker I positions were created; 61 came up for renewal in January and this was done, and there are 14 with life in them at the moment that are continuing; and the other 73 positions that have just been created by Cabinet, advertisements have gone out, and we hope to fill these 73 positions in a short period of time.

Thank you very much.

**Mrs. Mc Intosh:** Supplementary.

**Mr. Speaker:** Yes, hon. Member.

**Mrs. Mc Intosh:** Supplemental, sorry. Will these positions be ready for the new academic year in September 2013?

**Hon. Dr. T. Gopeesingh:** It is our wish, our intention and our desire to fill these immediately. I believe that the Ministry now has been advised that interview committees have been formed and the interviewing process will start shortly, so that the positions might be ready to be filled even during the vacation period.

**Mr. Speaker:** The hon. Member for Port of Spain North/St. Ann's West.

**Ministry of Education  
(Pan in the Classroom Facilitator)**

**38. Mrs. Patricia Mc Intosh** (*Port of Spain North/St. Ann's West*) asked the Minister of Education:

Is there a plan to establish a position of Pan in the Classroom Facilitator within the Ministry of Education and if so, when?

**The Minister of Education (Hon. Dr. Tim. Gopeesingh):** Mr. Speaker, I believe the hon. Member for Port of Spain North/St. Ann's West herself, had asked a question on Pan in the Classroom previously, and I gave a very detailed analysis of the situation, details of which are also on the *Hansard*; very comprehensive. We reassured the population that Pan in the Classroom was here to stay and, in fact, the Ministry of Education was moving expeditiously to ensure that more primary schools and more secondary schools were equipped with the 16-piece pan ensemble over a period of time. In fact, as we speak, I believe that there are more than 100 primary schools—I think close to 200 primary schools with 16-piece pan ensemble, and there is now a tender for the purchase of another 23 sets of pan ensembles to continue expanding the programme, particularly within the primary schools.

The Pan in the Classroom Project Unit of the Ministry of Education has been renamed, the Multicultural Music Programme Unit as had been spoken about many times previously, and has been incorporated in the Visual and Performing Arts Programme Unit of the Curriculum Planning and Development Division in the Ministry of Education. In the new unit, the nation's children would be exposed to a more varied curriculum in terms of both the multicultural music traditions and instruments representative of the country's diverse cultures. So, the Pan in the Classroom Project Unit is now renamed the Multicultural Music Programme Unit.

Schools have been given a choice now of musical instruments, those are the primary schools in a wide varied amount of instruments from the pan to the harmonium, to the tabla, to the dholak to the guitar to the cuatro, and schools were asked to choose; they have been given a choice for their musical instruments. To date, the Ministry has been processing the requests for the various musical instruments for use in the primary schools in the new curriculum, visual and performing arts, and the procurement process, I believe, is strongly on the way

towards realization of the purchase of the various musical instruments for the Multicultural Music Programme Unit.

The unit is now staffed—previously there were eight Pan in the Classroom coordinators, seven for Trinidad and one for Tobago. The unit is now staffed as follows: 15 music instructors—the music instructor is required to provide classroom instructions, to prepare and administer appropriate evaluation mechanisms, to assess student achievement in the music programme. Teaching in all classes will be done from Infant Year I to Standard 5 with these musical instruments.

**1.45 p.m.**

There are also eight District Music Coordinators. So they are now renamed Music Coordinators—seven in Trinidad and one in Tobago. The District Music Coordinator is required to provide managerial support in organizing, coordinating and supervising the implementation of the music programme in a specified district—seven districts in Trinidad, and one in Tobago.

We also have a project coordinator. I believe you were asking for the pan-in-the-classroom coordinator. We now have a music coordinator and that project coordinator or music coordinator is required to provide managerial support to the Director of Curriculum Development in organizing, coordinating and supervising the implementation of the Multicultural Music Programme Unit. This staff is to be utilized in 185 schools across Trinidad and Tobago—99 primary schools and 85 secondary schools.

It should be noted that a significant benefit of the Multicultural Music Programme Unit, according to principals, teachers and music instructors, has been that participating students have exhibited less violence and more discipline by the introduction of music in schools and the visual and performing arts.

They have also had higher attendance levels. It has been shown scientifically that there has been academic improvement, improved self-esteem and self-confidence and greater focus and attention span by the introduction of these programmes, as the pan in the classroom has when it was there and which is continuing, but in an expanded programme of a variety of musical instruments. It is fully expected that these benefits will continue to accrue and even increase under the expanded music programme.

The Ministry of Education has determined that the value outcomes of education. When we ask what is education, education really revolves around the

ability for a child to develop his or her fullest potential. The child must grow up to be mature and happy. The child must be socially and culturally integrated into society and it is in that context that a whole new paradigm shift in our education system, particularly in the primary school education system, that we began a whole re-engineering process for our education and making sure that our students are competently qualified to be able to reach the world of work.

So that one of our major education value outcomes for our nation's children is the development of the socially and culturally adjusted child who is appreciative of the contribution of the arts to daily life. This is why 85 per cent of the participants in eight workshops in Trinidad and Tobago indicated, more than two years ago, that visual and performing arts and physical education be reintroduced into the primary school curriculum.

There were thousands of participants who recommended this and in keeping with that, the whole primary school curriculum has been reviewed. It is now being implemented in the primary schools and in that implementation, we do not only have physical education and visual and performing arts, but we also have morals, values, ethics, health and family life education and a bit of agri-science.

So, Mr. Speaker, these children will now have major cultural identities and diversity locally and they will be able to fit into the regional and international scenarios and, in turn, they will be able to now express themselves through the arts. Thank you very much, Mr. Speaker.

**Mrs. Mc Intosh:** Supplemental, hon. Minister. Coming back to the question of the position of pan in the classroom facilitator or, as you said, Music Facilitator. Will these be permanent positions or contract positions? If so, what is the duration of these contracts?

**Hon. Dr. T. Gopeesingh:** No, they are contract positions because we have found difficulty and we have experienced difficulty when positions are on the establishment, as you would know being a principal of a school for a long time. The establishment positions have to be classified from time to time by the Chief Personnel Officer and I am sure that there are many Ministries across the country which continue to experience difficulties in terms of the reclassification of certain positions.

This is why the Minister of Public Administration, in her own reform process of public administration, has sought to move in a different direction and take the entire public administration system into a different type of programme where the Chief Personnel Officer, as far as I understand, is now ensuring that there are bands of classifications of personnel which will, most likely, not have to go back

for any classification before the CPO and are already determined now. That work is continuing and is in progress. So they are contract positions; they will be, therefore, three years and, of course, will continue to be renewed.

**Early Childhood Care and Education  
Special Needs Education  
(Degrees in)**

**39. Mrs. Patricia Mc Intosh** (*Port of Spain North/St. Ann's West*) asked the hon. Minister of Education:

With respect to the degrees in early childhood care and education and special needs education offered by the University of Trinidad and Tobago:

- A. Could the Minister state whether these degrees are recognized by the Ministry of Education?
- B. If the answer to part A is in the affirmative, could the Minister state whether holders of these degrees are being considered for the relevant vacant positions of specialist teachers within primary and secondary schools?

**The Minister of Education (Hon. Dr. Tim Gopeesingh):** Thank you, Mr. Speaker. With respect to the degrees in early childhood education or early childhood care and education and special needs education offered by the University of Trinidad and Tobago, the question was asked:

- A. Could the Minister state whether these degrees are recognized by the Ministry of Education; and
- B. if the answer to part A is in the affirmative, could the Minister state whether holders of these degrees are being considered for the relevant vacant positions of specialist teachers within primary and secondary schools?

Mr. Speaker, I am so happy that the hon. Attorney General is sitting at my side here because he himself had asked that question because the hon. Attorney General had to take up a case on behalf of some teachers, some graduates, who had graduated from the University of Southern Caribbean and who had been given degrees from the University of Southern Caribbean. He won the court matter which established that all these tertiary learning institutions and the graduates from these tertiary learning institutions must be given the same privileges across the board. So whether they graduated from the University of

Trinidad and Tobago or the University of Southern Caribbean or from the University of the West Indies, they must be afforded the same privileges as having graduated from any one of these three learning institutions and, therefore, must be recognized in that context, once the Accreditation Council has recognized this. So, we want to congratulate the hon. Minister, the hon. Attorney General [*Desk thumping*] for that landmark decision which he fought for on behalf of all the graduates of these tertiary learning institutions.

As you are aware, there are possibly about seven tertiary learning institutions which are giving out degrees almost similar to the Bachelor of Education, or Bachelors of Education degree. Some are, well, of course, University of the West Indies, University of Southern Caribbean, University of Trinidad and Tobago and two or three of the private institutions; but more so it is USC, UTT and UWI.

Now, having had the learning from the courts on the equivalence of all these degrees from these institutions, the Ministry sought expeditiously to get the support of the Ministry of Tertiary Education, my colleague, Minister Karim. We both came up with a decision that we have to take this before the Accreditation Council of Trinidad and Tobago, which worked assiduously to ensure now the Accreditation Council has given recognition and equivalency to all these Bachelor of Education degrees across the major three campuses.

So, a degree from UTT is recognized the same as a degree from USC as from the University of the West Indies. So the degrees in early childhood care and education and special needs education offered by the University of Trinidad and Tobago are now recognized by the Ministry of Education. Qualifications from the University of Trinidad and Tobago as an accredited institution are recognized by the Ministry. As such, graduates with qualifications from UTT have been employed by the Ministry of Education and will continue to be employed.

With respect to part B of the question, there are established positions of Special Education Teachers I and II in the Government special schools. As far as I am advised—[*Crosstalk*] Mr. Speaker, what happen to Diego Martin North/East? He continues to display abnormal behaviour like some of our children in our schools. [*Desk thumping*]

**Mr. Imbert:** “He talking to me.”

**Hon. Member:** He needs counselling.

**Hon. Dr. T. Gopeesingh:** We have to send him back to school. So the Special Education Teacher I and II, there are no positions within our primary school system for those positions and we are looking to create those positions because there is definitely a great need for them.



You would remember me indicating that when I went to the Ministry of Education we scoured all the shelves of the Ministry of Education for task force reports and research papers and there was a particular research paper that showed that there were about 23 to 24 per cent of our students with special needs, whether it is abnormal or dysfunctional behaviour, emotional behaviour, psychological abnormality, whether it is attention deficit disorder, whether it is dyslexia, autism or visual or hearing difficulties or neurologic problems.

Now our research has shown that close to 30 per cent of our student population exhibit some degree of needing some special care and attention. So with a birth rate of about 17,000-plus per year, we believe that we have to take special care and consideration for close to 5,000 of these students on a yearly basis.

In fact, the Ministry of Education is now on a research project in a randomised, stratified sampling of primary and early childhood education centres where we are now examining and determining the true incidence and prevalence of each one of these disorders in our school population. So from that, we will be able to extrapolate how many dyslexic students we may have; how many autistic students; how many with hearing disabilities; how many with visual disabilities. So we know that we have to move for the creation of special education teachers in the ECCE centres, the primary schools and the secondary schools, but we do have these teachers in the Government special schools.

We have approximately 12 Government special schools and 11 private special schools. We have about 23 in total—private and Government special schools, which cater to close to about 2,500 students with special needs, but at a higher level and in these schools there are special education teachers.

Some of the schools, out of the 12, include the Audrey Jeffers School for the Deaf, Pointe-a-Pierre Government Special School, the Princess Elizabeth School and the Lady Hochoy Home, to name a few. These positions are filled by special education teachers who would have obtained specialist training and considerable work experience in the field of special education.

Now, persons with their Bachelor of Education degrees in ECCE are eligible for a range of positions in that sector, in the ECCE sector, which are available on contract. These include, Early Childhood Care and Education Teachers, Administrator/Teacher—that is at a higher level, Curriculum Programme Coordinator, Early Childhood Care and Education; Quality Assurance Coordinator, Early Childhood Care and Education; District Early Childhood Care

and Education, Curriculum Programme Facilitator; District Early Childhood Care and Education, Quality Assurance Officer; Family Community Support Coordinator—that is the ones who will be liaising between the parents and the child and the schools; and District Early Childhood Education Family Community Support Officers.

**2.00 p.m.**

So, accordingly, we note that there is tremendous need for more specialist education teachers. We are in a drive now with advertisements—pretty shortly—for recruiting some of these teachers who may be in some of the schools with the qualifications, but doing the generalized type of teaching and not doing the specialist teaching. But while they are there, they are helping us determine and identify the students who need special attention. They could identify and determine those students who may have some degree of dyslexia or any other problem. You know that those are ranges that vary from minimal to severe.

So, as we move forward, we will continue to look at the introduction of these special education teachers positions I and II in our primary schools as well as our secondary schools. Thank you. [*Desk thumping*]

**Mr. Sharma:** Well done man, well done! [*Desk thumping*]

**La Brea Pitch Lake  
(Maintenance of)**

**46. Mr. Fitzgerald Jeffrey** (*La Brea*) asked the hon. Minister of Tourism:

Could the Minister state when will the excess vegetation be removed from the La Brea Pitch Lake and the trees pruned to enhance the beauty of the Pitch Lake environment?

**The Minister of Tourism (Hon. Stephen Cadiz):** Mr. Speaker, the La Brea Pitch Lake and its real estate do not fall under the purview of the Ministry of Tourism nor the Tourism Development Company Limited. The Pitch Lake and its real estate are maintained by Lake Asphalt of Trinidad and Tobago (1978) Limited, which is a state agency operating under the directive of the Ministry of Energy and Energy Affairs, and they would be the entity responsible for the maintenance and removal of all vegetation, bush, mosses at the site.

**Hon. Member:** What about mosquitoes?

**Mr. Jeffrey:** Supplemental, Mr. Speaker.

**Hon. Member:** What?

**Mr. Speaker:** Yes, hon. Member, continue, please.

**Mr. Jeffrey:** Mr. Minister, are you aware of the ownership of the lands which the Tourism Development Company occupies on the periphery of the Pitch Lake?

**Hon. Member:** He is not a landlord.

**Mr. Roberts:** File a next question.

**Hon. S. Cadiz:** Mr. Speaker, the question the Member asked was:

“Could the Minister state when will the excess vegetation be removed from the Pitch Lake...”

And the Pitch Lake from what I understand is—I do not know how many hundreds of acres the Pitch Lake occupies, and if it is there is a specific area—

**Mr. Roberts:** File another question.

**Hon. S. Cadiz:**—that the Member of Parliament would like to know about, then he can always file a question, but he has to be specific. I cannot deal with an entity that does not belong to the Ministry.

**Mr. Jeffrey:** Supplemental, Mr. Speaker. Mr. Minister, are you aware that your tour guides take tourists on tours, conducted tours, throughout the Pitch Lake?

**Sen. Ramlogan SC:** Yeah, but that is the lush vegetation.

**Mr. Jeffrey:** You just keep quiet.

**Mr. Roberts:** Are you aware that you hid in a pick-up? *[Laughter]*

**Mr. Speaker:** Please, please.

**Mr. Sharma:** What do lifeguards do?

**Hon. S. Cadiz:** Mr. Speaker, the issue as to whether or not the Ministry has tour guides that operate within the area of the Pitch Lake has absolutely nothing to do with the maintenance of the Pitch Lake and, therefore, I would strongly recommend that if he would like to get that answer, as I indicated, he files the question to the Minister of Energy and Energy Affairs.

**Mr. Roberts:** And stop hiding in pick—

**Mr. Jeffrey:** Further supplemental, Mr. Speaker. Mr. Minister, how could you absolve your Ministry the responsibility of the maintenance and the enhancement of the Pitch Lake when your tour guides are actually using the facility to carry tourists?

**Mr. Roberts:** “Yuh go tell the pilot to put gas in de plane.”

**Hon. S. Cadiz:** Mr. Speaker, without going into any detail, I would assume that our tour guides who operate on the Pitch Lake actually point out the different types of vegetation that grow—

**Mr. Roberts:** Yes, man, yes, man.

**Hon. S. Cadiz:**—in the Pitch Lake. [*Desk thumping*]

**Mr. Roberts:** “Tell de pilot put de gas in de plane.”

**Hon. S. Cadiz:** But the Ministry of Tourism is not responsible for mowing the Pitch Lake. [*Laughter*]

#### **Non-awarding of CEPEP Contracts (La Brea Contractors)**

**47. Mr. Fitzgerald Jeffrey** (*La Brea*) asked the Minister of Housing, Land and Marine Affairs:

Could the Minister state why bonafide contractors from the La Brea – Salazar Trace and Quarry to Erin areas who had applied for CEPEP contracts were overlooked in the last major awarding of CEPEP contracts? [*Crosstalk*]

**The Minister of Housing, Land and Marine Affairs (Hon. Dr. Roodal Moonilal):** Thank you very much.

**Mr. Sharma:** Tommy Joseph must be give him a few lines.

**Mr. Speaker:** Please, Member for Fyzabad.

**Hon. Dr. R. Moonilal:** Mr. Speaker, the CEPEP Company Limited commenced a comprehensive review of the CEPEP programme in January 2011. It was discovered that quite a number of contractors were in the programme for as long as nine to 10 years, and contractors were not evenly distributed in communities across Trinidad.

In some communities, there were many contractors while in others they had absolutely, no service from the CEPEP contractors. These findings suggest that further analysis and examination should be conducted to ensure a better distribution of contractors among various communities. This is ongoing, and where areas are identified as requiring changes, these are being done on a phased basis.

The Santa Flora, Erin and La Brea Salazar Trace are under active consideration. This exercise is expected to be completed shortly. Thank you.

**Mr. Roberts:** What about D'Abadie/O'Meara?

**Mr. Jeffrey:** Supplemental, Mr. Speaker. Mr. Speaker, to the Minister—

**Mr. Speaker:** Please, do not—

**Mr. Jeffrey:**—can you tell us if, in fact, that you are trying to even out the distribution, how come the Santa Flora, Erin and the La Brea Salazar Trace have no CEPEP contractors operating?

**Hon. Dr. R. Moonilal:** Mr. Speaker, as I indicated, we are now rationalizing the entire spread for CEPEP contractors, and I assure the Member for La Brea that if he gets in contact with the CEPEP coordinator for that region, whichever area that he may need help in, we can provide CEPEP assistance to clean or beautify specific areas, if he would contact the local coordinator for that region.

**Mr. Jeffrey:** Further supplemental, Mr. Speaker. Mr. Speaker, on May 04, 2012, we were advised by the hon. Minister that the exercise was going to be completed by July 2012. We are now in 2013—July is just about a month away—and I would like to know why we have this long delay?

**Hon. Dr. R. Moonilal:** Mr. Speaker, through you, to the hon. Member for La Brea, I assure you that when we are completed with this assessment, those areas in La Brea and Santa Flora will be provided for.

**Mr. Jeffrey:** Further supplemental, Mr. Speaker. Hon. Minister, could you tell us how soon that exercise is going to be completed?

**Mr. Sharma:** Very soon.

**Hon. Dr. R. Moonilal:** Now you have nothing else to do. Mr. Speaker, I indicated to the Member, we are working on this. It would be completed shortly and we would get back to the hon. Member—

**Miss Cox:** When?

**Hon. Dr. R. Moonilal:** At this time, I cannot indicate a date. It is up to the CEPEP Company Limited to provide that. So, if the Member wants, I would undertake to the House to keep the Member for La Brea in touch with some of these developments and, particularly, those areas that the Member identified in La Brea. We are very concerned that areas that are in need of help may not be receiving such help. So I will undertake, as a commitment, that the Santa Flora, Erin, La Brea Salazar Trace area receive the support from the CEPEP and I would undertake to do that and to keep him posted on it.

*Dog Control Bill, 2013*

*Monday, June 17, 2013*

**Miss Cox:** When?

**Mr. Roberts:** When he stop hiding in the truck.

**Miss Cox:** What day?

**LEAVE OF ABSENCE**

**Mr. Speaker:** Hon. Members, I would like with your leave to revert to the item “Announcements by the Speaker” and to inform this honourable House that I have been advised that the hon. Errol Mc Leod, Member of Parliament for Pointe-a-Pierre, is also out of the country and has asked to be excused from sittings of the House during the period June 17 to June 24, 2013. The leave which the Member seeks is granted. Let us continue.

**DOG CONTROL BILL, 2013**

*Order for second reading read.*

**The Attorney General (Sen. The Hon. Anand Ramlogan SC):** Mr. Speaker, I beg to move:

That a Bill entitled an Act to provide for the control of dogs and to regulate the manner in which certain breeds of dogs are kept by their owners or keepers; to repeal the Dangerous Dogs Act, 2000 and for related matters, be now read a second time.

**Hon. Member:** Rottweiler!

**Sen. The Hon. A. Ramlogan SC:** Mr. Speaker, this Bill requires a special majority, primarily because there are certain clauses which shift the burden of proof, and it interferes with the right to enjoy one’s property to wit, the dog. Mr. Speaker, dogs occupy a very unique and special place in the social landscape of Trinidad and Tobago and, indeed, all over the world. Indeed, it reminds me of a Polish proverb which goes as follows: “The greatest love is a mother’s; then a dog’s; then a sweetheart’s”.

**Mr. Roberts:** Repeat that. [*Laughter and desk thumping*]

**Sen. The Hon. A. Ramlogan SC:** Mr. Speaker, I think—it is not a “polished” proverb it is a Polish proverb. It says the greatest love is a mother’s; then a dog’s; then a sweetheart’s”. [*Crosstalk*]

**Mr. Roberts:** “Ah better give yuh meh dog.” [*Laughter*]

**Sen. The Hon. A. Ramlogan SC:** I dare say you may have more than one. [*Laughter*] Mr. Speaker, I think that is why dogs have been affectionately referred to as “man’s best friend” and it is no secret that dogs are, in fact, perhaps the most popular pet in Trinidad and Tobago and across the world.

Unfortunately, in the same way that all that glitters is not gold, I suppose the saying “that not every skin teeth is a grin” applies when it comes to the dog population because we have been reminded that there are some dogs, when you meet them they remind you that despite the thousands of years of manmade evolution, every dog is only two meals away from being a wolf.

There have been tragic and nightmarish stories, horrible incidents right here in Trinidad and Tobago where victims of attacks by dogs have suffered the most horrific injuries. In recent times, in the last decade and a half, there has been an increase in the frequency of such attacks. This has given rise to a call for the State to intervene to regulate dog ownership and to exercise some measure of control so that we can have the hand of the State in this important area of our society.

Mr. Speaker, the question however is, where should the focus be? Should the focus be on the dog or should it be on the owner or should it be on both perhaps? But for far too long our citizens have been living in fear. If a neighbour has a dangerous dog, you are scared to go out in your own yard because if the fence is not high enough, you are scared that the dog could actually leap over and come into your yard.

If you are walking the street and you want to take a little exercise and people come out with dogs you are scared. You no longer feel safe to carry your children. There are some people who are very inconsiderate and they are boldfaced and shameless with it. They will walk the dog without a muzzle, and they will walk it in the same park and the same cycling track with you, and because they have the dog on a little leash, they are happy with that. Some people do not even have the dog on a leash, Mr. Speaker. You see, Mr. Speaker, there has been for some time now a social outcry about this matter and it is time for action.

Mr. Speaker, permit me to say that the attacks by dangerous dogs have spared no one. It cut across race, geography, demography, the elderly, the sick, the infirm, the young, male, female even pregnant women; across the board. Mr. Speaker, we as a country, we have grown accustomed to headlines such as these—[*Newspapers in hand*]—“Pitbulls kill woman”. These are the headlines that we have grown accustomed to in Trinidad and Tobago when there is a dangerous dog attacking someone.

**2.15 p.m.**

Mr. Speaker, permit me to highlight just six examples in recent times to show the kind of havoc and the kind of terrible traumatic injuries that could occur.

*Dog Control Bill, 2013*

[SEN. THE HON. A. RAMLOGAN SC]

*Monday, June 17, 2013*

On August 25, 2011, the *Trinidad Guardian* reported, “Boy, 11, killed by own pit bull”. In this tragedy Jessie Boiselle, an 11-year-old autistic boy from Clovis Trace in Maraval was found dead in a ravine at the back of the house. He was viciously mauled by the family’s own pit bull. The report said that the little boy was found with dog bites to his throat and other parts of his body.

On April 04, 2012, the *Trinidad Guardian* reported, “Boy, 6, critical after attack by pit bull”. Jerimah Harrypersad, a six-year-old boy from Assing Trace in Valencia, was playing in the front of his yard—his own yard, it is a six-year-old boy—and the neighbour’s pit bull attacked him. He bit Jerimah repeatedly to his neck and caused severe life-threatening injuries to this innocent child who was simply playing in his own front yard.

On May 16, 2012, it was reported, “Neighbour’s pitbulls maul pregnant mom”. And this was Kurleen Cooper, the unfortunate victim; a pregnant woman from Point Fortin and she had to fight to protect her unborn child but she was savagely and viciously attacked by three pit bulls. Mr. Speaker, all of this while Kurleen was simply returning from dropping her children to school and going back home.

Mr. Speaker, on January 07, 2012, the *Trinidad Express* reported, “Housewife may lose leg after pitbull attack”. According to reports, Sherry Ifill, a 48-year-old Ste Madeleine woman, was at her home around six o’clock in the afternoon doing some chores when she was attacked by five pit bulls. Five! Mr. Speaker, one of her legs, it was reported may need to be amputated having regard to the severity of the injuries she sustained.

On May 10, 2011, the *Trinidad Newsday*, report titled, “Deadly Dogs”, told a horrifying story. Denise Rackal, a 46-year-old female security guard from Indian Trail Village in Couva, she was attacked and mauled to death by five pit bulls and the five pit bulls had escaped from the home of the owner and attacked her. They grabbed on to her neck, she screamed for her life, but the other four dogs set upon her and, tragically, she succumbed to her injuries, the bites and the rip wounds. But imagine that was a mother of two children, and as a result of that attack, they have to grow up motherless.

Mr. Speaker, the last example. I told you I would cite six, there are many more. The last example of December 17, 2012, *Trinidad Express*, “Two pit bulls attack woman”. Karen Lara, a 22-year-old young girl of Cinnamon Crescent, Santa Rosa, Arima, had to be hospitalized. She started screaming when two pit bulls attacked her. Police officers who were on duty in a post nearby, they rushed to her assistance, but when they went there and they confronted the pit bulls, the pit bulls refused to let go of her. Mr. Speaker, police officers ended up having to



shoot one of the dogs, the other one ran off. She suffered injuries to her face, her buttocks and other areas, but could you imagine a 22-year-old girl suffering injuries to her face.

**Hon. Member:** Oh my God!

**Sen. The Hon. A. Ramlogan SC** The damage is permanent; it has implications for her future, marital prospects, all sorts of things. Could you imagine if that was your child or your sister, or your niece?

You see, Mr. Speaker, these attacks, the trauma and the distress live on forever and you have the scars to remind you of the attacks. The pain and suffering of the victim is unimaginable. The loss of amenity, if you have to have a leg amputated, or if you have to have all sorts of operations, skin grafts; very delicate operations at a very high cost, and in most cases the victims have come from the ordinary folk in our society. They come from the lower end of the socio-economic ladder. So they can ill-afford to seek private health care. They cannot afford to go away to have the kind of plastic surgery and so on, that is required to have the kind of dental reconstruction and facial work done. You see, Mr. Speaker?

So, in the middle of trying to find money to deal with the medical bills, to try and restore some dignity, some semblance to the way you once looked, in the middle of all of that, you have to contend with the fact that no one—it affects your employment prospects, it affects your marital prospects, and, Mr. Speaker, of course, to add insult to injury, there is very little hope of compensation from the owner of the dog, because they themselves may be a man of straw.

So, Mr. Speaker, it is against that backdrop the Government had to decide, as a matter of policy and philosophy, where do we focus the spotlight? Do we go after the dog or do we go after the owner?

Mr. Speaker, the Government, after extensive stakeholder consultation, decided to go for responsible dog ownership, responsible management of dogs and we decided to have a shift in the paradigm in the thinking from the old unproclaimed law, which really aimed for the extinction, by virtue of absolute prohibition, of certain dangerous dogs. What we tried to do is to strike a compromise and find a middle ground as it were, and this middle passage will give people the right to own dogs but the State, through Parliament, will now impose severe restrictions which must be complied with if you are to own such a dog.

Mr. Speaker, people say that one of the major criticisms of legislation like this is that in the same way any human being can become dangerous, if the conditions and circumstances are right, so too with a dog. A dog can be a very nice, friendly,

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loving animal, but in the right circumstances, the dog can become vicious and attack. Mr. Speaker, if one takes that to its logical conclusion then some say there should be no legislation. Some say the State should not intervene, Parliament should not intervene, there should in fact be no regulation whatsoever of dog ownership.

But, Mr. Speaker, notwithstanding the paucity of scientific research and social research in Trinidad and Tobago, and, indeed, in the Caribbean as a whole and in many countries in the world, what we do have are documented cases which demonstrate, beyond the shadow of a doubt, that there are some dogs that have a demonstrated propensity to become violent, aggressive and attack. That is a fact and we cannot close our eyes to that fact; we cannot bury our heads in the sand. The fact of the matter is in the last decade or so, as the pit bull population in Trinidad and Tobago grew, they have been responsible for a disproportionate number of dog attacks with the most horrifying consequences.

Mr. Speaker, in preparing for today, as part of the stakeholder consultation, we spoke to people who are owners of pit bulls, we spoke to police officers who had to intervene to rescue a victim from the clutches and from the jaws of a pit bull and we spoke to victims. I was told by a police officer that when he arrived on the scene, he and four officers were trying to get one pit bull off a victim, and try as they might when even the owner of the pit bull had arrived, the dog would not let go of the victim. It is a Herculean task to pry the victim loose from the pit bull. In fact, that is why you see, in most cases, the only way for the victim to survive and escape is to actually cause severe injury by shooting the pit bull. The dog is either shot to death or seriously injured, or else they will simply not let go of the victim.

Mr. Speaker, why do these tragedies occur? Whenever such a tragedy occurs, there is always an irresponsible owner of that dog lurking right around the corner, nine out of 10 times. It is the owner that did not fence properly; it is the owner that forgot the gate open; it is the owner that did not check and inspect the leash to make sure that it is strong and can hold the dog; it is the owner that carries the dog without a proper muzzle and a leash for a walk at a time when other citizens are around with their children, exercising and so on. So, Mr. Speaker, it is for that reason this legislation focuses on responsible management, care and ownership of dangerous dogs, and, indeed, dogs in general.

Mr Speaker, by way of introduction, permit me to look at the existing laws that we have, both the common law and statute. At common law you had the doctrine of scienter. This doctrine of scienter applies when the owner of the dog knew that the dog was likely to attack and cause injuries to someone or

something, and that ancient common law doctrine will then be triggered, such that if the owner actually knew that the dog had a demonstrated propensity for attacking and causing injury, then he will be held liable.

My research revealed one such case in our legal records, and it is a case of *Ambrose v Van Horn* in 1967, Civil Appeal No. 14, and in that case, Chief Justice Wooding sat, and the plaintiff's pig had been attacked by the dog, but the owner was found liable because the dog had attacked other animals on three prior occasions. So it was felt that the evidence was so strong that the owner constructively knew or ought to have known that the dog was likely to attack and cause injury, and in the circumstances the owner was held liable.

But, Mr. Speaker, that doctrine of scienter cannot be adequate in today's society. I mean, the first attack by a dangerous dog is all it takes to snuff out a life, so we cannot rely on a doctrine which is predicated upon the owner's actual knowledge that the dog is likely to attack and cause injury, because the best evidence of that to show that the owner knew of this, is the dog having actually attacked and caused injury on a prior occasion, but that prior occasion may be all it takes to snuff out someone's life. So the common law position is totally inadequate.

I take you now to the legislative provisions. There are three Acts: there is the Dogs Act, Chap 67:54, the Summary Offences Act, Chap. 11:02, and, of course, the unproclaimed Dangerous Dogs Act of 2000. The Dogs Act of 1918, which is still in force, is now some 95 years old—95 years old, Mr. Speaker. And that law has become generally obsolete, outdated, outmoded and it has little deterrent, value or effect in today's modern contemporary society. Just by way of example, under section 15 of the Dogs Act, if a magistrate receives a complaint that a dangerous dog is not being kept under proper control, he can make the owner liable to a hefty fine of \$40 per day—\$40 per day. Mr. Speaker, \$40 cannot even buy a handful of dog chow these days.

Mr. Speaker, I appreciate, of course, and I readily concede to those who say that there should be no regulation or, you know, "Leave this matter to the volition and the integrity of the individual dog owners, that there may be other dogs that have caused attacks". Yes, I have read of isolated incidents where other dogs have caused injury to persons, and so on.

But the reality is there are some dogs that, you know, are more aggressive and they are more inclined to attack and cause harm.

### **2.30 p.m.**

When I went to Pleasantville Senior Comprehensive in San Fernando, I would walk from school straight up to Library Corner to get a taxi to go home, and I

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would always see the stray dogs on Mucurapo Street, they will be side by side with the vagrants in the same dustbin, snatching for the same box of KFC. “I never see de dog bite de vagrant. In fact, ah see a vagrant bite de dog to grab de leg and thigh piece that was in de garbage.” But I never saw any of those stray dogs, mostly pothounds, I never saw any of them attack anyone, even school children passing up and down. It just never happened. So, Mr. Speaker, I dare say that there is in fact a special category of dogs that must be classified as dangerous and must be dealt with separately.

Now, Mr. Speaker, to demonstrate the inadequacy of the present state of our laws, a woman was fined \$200 under section 16 of the Dogs Act [*sic*] after her dogs attacked a four-year-old and caused the worst possible injuries to that child. And why is that so because the Dogs Act [*sic*] was really meant to deal with stray dogs, ownerless dogs, and more the health risks associated with those problems and so on. It really did not cater for dangerous dogs viciously attacking persons. In any event, it is 95 years old and it is obviously outdated and obsolete.

I come thirdly to the Summary Courts—Summary Offences Act. Again, it is totally inadequate. Section 75 makes it a criminal offence for any person to incite a dog to attack, worry or put in bodily fear any other person or any animal. But if you contravene that by inciting the dog to attack someone, you are liable to a hefty fine of \$400 and to two months imprisonment. Mr. Speaker, that cannot work.

I come now to the unproclaimed Dangerous Dogs Act of 2000. This legislation aimed to abolish the presence of certain types of dogs. It was aiming for eventual extinction by virtue of absolute prohibition and it provided that a pit bull terrier, a fila brasileiro or a Japanese Tosa, these dogs were the dangerous dogs that were absolutely prohibited from being imported and those that were already in existence, the idea was to, by a process of attrition, just get rid of them and totally eliminate them eventually. So restrictions on importing—the current stock of dangerous dogs to be neutered and spayed by a veterinary surgeon within three months and an outright ban on the sale of dangerous dogs. Those were the three pillars upon which that Dangerous Dogs Act of 2000 rested.

Now that Act was indeed similar to the United Kingdom Dangerous Dogs Act, Mr. Speaker, and that legislation in the United Kingdom it had a similar three-pronged attack, but the highlight was that it made it a criminal offence to import certain specified breeds, and persons who already owned these dangerous breeds were put under strict regulations with the intention and aim of eventually wiping out the very existence of these dangerous dogs.

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Mr. Speaker, the three dogs mentioned are categorised as class A dogs, dangerous dogs. And why is that so? I mean, of the three, the one that is most important in terms of presenting an immediate problem is the pit bull. And what is it that is so special about the pit pull? I am advised that the pit bull was bred to fight, and its speed, its tenacity, its bone structure makes it potentially a very dangerous animal. On average it exerts approximately 320 psi, pounds per square inch, of force in a bite. That means, Mr. Speaker, “that when dey bite and yuh can’t dislodge or pry loose the victim it is because of that 320 psi.”

If you go on YouTube you would see dozens of videos of pit bulls that are being trained and they suspend something in the air and the dog has to jump, catch it, and you will see the dog actually being suspended in mid-air because once it has gripped the target it cannot let go, and it suspends its entire body weight as it is held by the jaw, by the teeth. So, Mr. Speaker, one can well imagine if it was someone’s limb, someone’s hand or other body part caught between the jaws of a pit bull the devastating consequences that can in fact occur.

Mr. Speaker, the fila brasileiro is a name given to the Brazilian mastiff. The dog can grow to approximate 25 to 29 inches in height and perhaps 110 pounds in weight. These dogs have a very special, unique characteristic. Anyone that they know before the age of 12 months, they safe, but once 12 months pass anyone else, you are in serious trouble. The dog’s mind is apparently made up that way, from what I am told, but there is no need to teach this dog to attack strangers. It comes natural to the dog that once it is not accustomed or familiar with you, then outside of that, it will be prone to attack you.

The Japanese Tosa is also bred to fight and was created from interbreeding various breeds. It is banned in several countries around the world and it has a fearsome reputation, and the reason we are banning these two other dogs, alongside the pit bull, is because you do not want people to replace the pit bull with an equally dangerous dog such as one out of these two. These are perhaps the three most dangerous breeds of dogs in the world at the moment.

Mr. Speaker, there is a reason why the Dangerous Dogs Act of 2000 was not proclaimed for over a decade, and that is really—this is a problem that no Government wanted to take on board. It requires a certain amount of political courage and political will because when “you interfere with people dog you interfere with them too”. It has serious social and personal repercussions.

The Cabinet had agreed to proclaim the Dangerous Dogs Act 2000 and that its proposed proclamation date was August 01, 2012. There was however, a public

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outray and dog lovers, animal rights activists, and so forth they started making a lot of protest and noise and we had to listen to them. Some of the points they made were actually quite valid. So the Government following the mantra already espoused by the following hon. Prime Minister, of listen, listen, listen and then lead was reflected in this particular instance. [*Desk thumping*] We listened, we listened, we listened and then we are now leading from in front.

What were those points, Mr. Speaker? The legislation upon which the 2000 Act was based is now the subject of review in most countries that model their law on that legislation which is the absolute prohibition and extinction of certain dangerous dogs. It did not work in those countries and it did not accomplish the goals that Parliament had set. In Spain, in the Netherlands, in the United Kingdom, they are all in the process of reviewing that law to reform the legislation.

Mr. Speaker, that legislation was criticized as being a knee-jerk reaction by the legislature to a social problem that required a little more thought and it really was reacting to public outcry rather than being a careful policy document. In the United Kingdom, for example, what happened when that law was passed? People just simply replaced the dangerous dogs that were prohibited with other forms of dangerous dogs. So they replaced the pit bull with something else and they trained it to be just as aggressive. “Yuh could take a pothound and train it to be aggressive.” So that what they did was to accomplish the same ends by different means.

Then you had the statistic, empirical data, the number of dog bites and victims did not actually decrease; most importantly. And finally, there was large-scale abandonment of the banned breeds across the country. That put a strain on the public purse and on the limited resources available at the public kennels and state-run dog pounds to take those dogs that were abandoned into custody, and indeed by abandoning dogs in the parks and in public places you actually ran the serious risk of causing harm to individuals.

Mr. Speaker, it is in light of those experiences that we decided as an act of policy to review the Government’s decision to proclaim the 2000 Act and to come with something different, something new and something more meaningful and practical.

Mr. Speaker, we listened to what the protestors were saying. The first point, among the many points they made, that struck me was they said look, the State in a time of high crime is obliged as the first fundamental human right to guarantee

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the safety of citizens and because of the high rate of criminal activity in the country they said look, people have purchased—they bought dogs, and it is meant as a form of security to alert them and so on. They said, if you go and ban these dogs now after we spend the money to get it and so on, look, essentially you are interfering with my constitutional right. You are interfering with my constitutional right to own and enjoy property as I see fit because the dog is my property.

Many of them pointed out that they had pit bulls as pets for many years and they were very domesticated and they had no problems with them. In fact, I have visited the homes of people and I have seen, to my utter amazement, that the pit bull is totally domesticated. So again I suppose it goes to show that it depends on the training that the dogs receive, how they are trained, and it depends on the responsible management and ownership of the dogs.

So we listened. They felt it was going to be cruel to just simply destroy the dogs, spay them and neuter them and aim to just make them an extinct specie in Trinidad and Tobago. Of course, Mr. Speaker, as happens so often in Trinidad and Tobago once you ban something and you make it illegal to own, you create an immediate black market and a subculture develops. So that if you ban the pit bull today, what will happen is that the pit bull becomes now a form of prestige, a little prestigious thing to own, and a black market develops either with the pit bull or some breed using the pit bull and basically you fail in your objective.

So, it is in light of those valid criticisms and those observations that the Government took on board what the people were saying and the animal rights activists and the dog lovers and dog owners in the country were saying, and we decided to look, to focus the spotlight on responsible management and ownership of dangerous dogs and dogs in general, rather than to go for absolute prohibition and extinction or certain specified breeds.

Now, Mr. Speaker, there were additional flaws in the Dangerous Dogs Act that made it difficult to proclaim the legislation. The issue of straying and ownerless dogs was not really addressed. It did not take into account the fact that all dogs can be dangerous or any dog can be a dangerous dog and it therefore did not propose to have any form of regulation for non-dangerous dogs outside of the three that I mentioned. There was nothing to promote and encourage citizens to have responsible ownership, management and control of dogs and, of course, it did not take into account some of the social permutations to which we are accustomed, for example, the guide dogs to assist blind persons or visually impaired persons rather and so forth.

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Mr. Speaker, we decided to look at the thing from an entirely different perspective, look at it through a different lens and we have now decided to come with this Bill for the consideration of this Parliament.

**2.45 p.m.**

Mr. Speaker, the Government in a policy document on dangerous dogs, in arriving at this position, held widespread stakeholder consultation through the Law Reform Commission of Trinidad and Tobago, and permit me to pay tribute to the hard-working officers of the Law Reform Commission, headed by distinguished senior counsel Mr. Samraj Harripaul, who worked tirelessly on both the previous Bill and this. [*Desk thumping*]

Mr. Speaker, the consultation included: representatives from the Association of the Trinidad and Tobago Insurance Companies (ATTIC), dog breeders, kennel operators, dog trainers, the Federation for Canine Registration of Trinidad and Tobago, the Trinidad and Tobago Society for the Prevention of Cruelty to Animals (TTSPCA), the Animal Welfare Network, the Trinidad and Tobago Veterinary Association and, of course, numerous comments sent in electronically by email to anand—a-n-a-n-d—@tstt.net.tt—

**Sen. George:** With a “d”.

**Sen. The Hon. A. Ramlogan SC:** With a “d”. [*Desk thumping*]—and to the Law Reform Commission, which we received. We treated with all of those submissions and we have struck a compromise. A delicate balance is needed in this matter, Mr. Speaker.

At the end of the day I do not think you can ever pass legislation that will make everyone happy, but we are trying to straddle and to deal with two competing principles: the rights of dog lovers and animal rights activists to own animals of their liking and on the other hand, the important need to protect the public and to ensure the public is safe from vicious attacks by dangerous dogs.

Mr. Speaker, the Bill which is before us is one which has a unique tailored approach that is tailor-made to Trinidad and Tobago. It is a kind of hybrid model, because we have looked at other countries to see what they are doing and most countries fall into one of two categories. They either go for absolute prohibition and eventual ultimate extinction of the dangerous dog. In some cases they go for a generalized regulatory regime to control any and all forms of dog ownership without making any reference to a special category of dogs. And, of course, the third model, the Trinidad and Tobago model, which is a hybrid and pulls from



both. What we have done, Mr. Speaker, we have retained the naming of specified breeds but without the goal of eventual total extinction of the specified breed, whilst simultaneously having general provisions which will be useful in regulating and promoting responsible dog ownership irrespective of the breed.

So, the legislation before this honourable House, yes, there is a class A with three dangerous types of breeds, but outside of that, the legislation seeks to regulate dog ownership on the whole for all dogs and that is a very significant, marked improvement on what the 2000 Bill had, which just confined and restricted itself to just the three dangerous dogs mentioned and without any form of regulation for all dogs.

Mr. Speaker, the complete and outright ban, countries which have that kind of legislation—which are in the process of reviewing it now, of course—would include the Commonwealth of Australia, Bermuda, Denmark, Portugal, Puerto Rico and others. In those countries to achieve the goal of extinction they have even gone so far as to ban the very embryos of these animals.

Mr. Speaker, as I mentioned before, the Dangerous Dogs Act of 2000 of Trinidad and Tobago and, indeed, the Dangerous Dogs Act of 1991 in the UK, they were based on the model of absolute prohibition. Where the law applies to all dogs then you will see that in those countries the problem that we encounter with dangerous dogs it manifests itself and they have a secondary problem that they cannot solve with the legislation that they have passed. That is why we did not want to go that particular route.

In the United Kingdom the Dog Control Bill which is presently before their Parliament, for example, seeks to achieve the following objectives: to repeal the old law for absolute prohibition, to introduce dog control notices, to curb the actions of irresponsible dog owners who either train their dogs to behave in a violent and aggressive manner or alternatively simply have not taken the time to give them any training whatsoever to curb the natural propensities, if that in fact exists. These laws will not apply to only specified breeds but will extend to any dog irrespective of breed which has acted aggressively towards any animal or person and causes injury. It seeks to impose criminal liability, of course, on the owner.

Mr. Speaker, closer to home, Antigua and Barbuda has the general regulation with the general framework for regulating ownership of all dogs. It regulates dogs on the beach, public places, but it also looks at the spreading of disease and it

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aims to keep track of the dogs to minimize the effects of abandonment, but again, the problem of dangerous dogs that attack citizens remains. So, in Trinidad and Tobago we have to be careful about transplanting what other countries do.

In Great Britain they can go a particular route as they now wish to go, with a general regulatory framework, but in Trinidad and Tobago we are a small country with a different kind of culture. Dog culture in the United Kingdom is a different thing altogether. “You have dog hospital, people does carry dey dog in pram and wheel them in the park, people does feed dey lil puppy with special nipple, special syringe, people when they dead—I know for a fact, when people dead in England the first thing they does do is the majority of the will does go for the dog, dey husband come after”. But they actually bequeath the bulk of their estate for the care of the dog and the balance, of course, will go to the dog pound if the dog outlives the money[sic]—but they have to have grooming, they have to have pedicure, manicure.

The dog is treated as a virtual member of the family to the extent that it is afforded all luxury and all accommodation.

**Hon. Senator:** Full supermarket.

**Sen. The Hon. A. Ramlogan SC:** Sorry?

**Hon. Senator:** Full supermarket and so on.

**Sen. The Hon. A. Ramlogan SC:** Yes, they have—when you go to Tesco and you go to supermarkets and so on, they have a whole section dedicated for dog.

I mean, if you look at cable TV in the night, you will see that the majority of advertisements really deal with people losing weight and exercising and so on, but outside of that it is advertising about dog and “kyat”. “Kyat” food, dog food, Purina versus this one, that one, but at the end of the day it is a big business because the culture is different. The culture is different.

**Miss Cox:** It is cat.

**Sen. The Hon. A. Ramlogan SC:** Sorry?

**Miss Cox:** The word is “cat”. [Interruption]

**Sen. The Hon. A. Ramlogan SC:** Nah, I want to say it the local way.

**Hon. Senator:** Dog and “kyat”.

**Sen. The Hon. A. Ramlogan SC:** You see, Mr. Speaker—

**Hon. Senator:** What cat—[*Inaudible*]

**Mr. Roberts:** You need to rest. You too?

**Sen. The Hon. A. Ramlogan SC:** When you see someone in London in Hyde Park and you see that they have their dog with them they have their dog on a leash in the left hand and in the right hand you “does see” something. When you watch closely you know what it is? It is a plastic bag with a “li” scoop inside it. You know what that for? When the dog poop they bend down, sweep it up inside the plastic bag and they moving.

**Hon. Senator:** Poop and scoop.

**Sen. The Hon. A. Ramlogan SC:** Poop and scoop. But that is the extent to which the culture, the dog culture differs from ours. “In Trinidad and Tobago a man doh do that, I mean, he mash it and he move on.”

**Hon. Senator:** That is why PNM does move with a plastic bag.

**Miss Mc Donald:** “Why you don’t shut your mouth!” [*Laughter*]

**Sen. The Hon. A. Ramlogan SC:** I fear that there is a dangerous dog in this House, Mr. Speaker, I have to be careful now. [*Crosstalk*]

In moving on, Mr. Speaker, the present Bill, we have removed some of the things that existed in the 2000 Act. For example, the spaying and neutering, we have taken out those provisions. [*Interruption*] We think that was unfair. It is said that it was cruelty to the animals to have it in a mandatory way and it infringes the owner’s rights and we have therefore taken it out.

Mr. Speaker, we have created a registration regime for class A dogs in this new Bill. There is no data to tell us what the dog population is in Trinidad and Tobago. I read an article in the *Newsday* of Thursday, April 19, 2012 and it said “TT has 500,000 pit bulls; victims fear attacks” and it quoted Keith Johnson, a member of the American Pit bull Owners Club of Trinidad and Tobago, and he said that a recent survey had shown that there were 800,000 dogs in the country and of that figure he estimated 400,000 to 500,000 of those dogs were pit bulls and so on. I think that is probably an unrealistic estimate. But the point is, the fact that they could reach the newspaper in itself underscores the paucity of information that is out there concerning the dog population.

**Mr. Roberts:** And one Rottweiler.

**Sen. The Hon. A. Ramlogan SC:** We are coming to that just now. Mr. Speaker, this registration regime that we are putting in place will help us to keep track of the dog population so that we can actually plan from an empirical data-driven based policy and formulas and so on.

**Dr. Gopeesingh:** You will then need more vets.

**Sen. The Hon. A. Ramlogan SC:** We can then know how many vets, for example, we need in the society; we can know how many dog handlers; how many pounds; what resources we should give to the local government bodies and so on, Mr. Speaker.

**Dr. Moonilal:** And to the Parliament.

**Sen. The Hon. A. Ramlogan SC:** And indeed, yes, to the Parliament. Mr. Speaker, there are three databases: one in San Fernando, one in Tobago and one in Port of Spain for the registration of dogs.

We have included an electronic transponder to be implanted in the dog as a requirement for the granting of a licence. We have a graded scale for the fees, \$1,000 for one or two dogs and \$1,500 for each dog when a person owns more than two dogs. Although we did not mandate that you spay or neuter your dog, we have given a discount on the licence of \$500 for each dog once the dog is spayed or neutered, so that incentive is there, but it is optional. It is not mandatory. The licence as a matter of practical administration is going to be valid for a period of two years.

**Miss Mc Donald:** Minister, could you give way please, just to ask a question?

**Sen. The Hon. A. Ramlogan SC:** Sure.

**Miss Mc Donald:** Thank you. AG, could you tell me, you said this legislation has made provision for the registration of all dogs. When I look at clause 6, I am seeing registration of class A dogs, could you—

**Sen. The Hon. A. Ramlogan SC:** That is class A.

**Miss Mc Donald:** Yes, so you are dealing with the class A dogs?

**Sen. The Hon. A. Ramlogan SC:** Yes.

**Miss Mc Donald:** Not class B?

**Sen. The Hon. A. Ramlogan SC:** No.

**Miss Mc Donald:** All right, thank you.

**Sen. The Hon. A. Ramlogan SC:** It is class A, I beg your pardon.

**Miss Mc Donald:** All right, thank you.

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**Sen. The Hon. A. Ramlogan SC:** Sure.

**Hon. Member:** Masterpiece.

**Mr. Roberts:** That is why I want you for leader.

**Miss Mc Donald:** Just leave me alone today. [*Laughter*]

**Sen. The Hon. A. Ramlogan SC:** Leader of the pack.

**Dr. Gopeesingh:** Where is the real leader?

**Sen. The Hon. A. Ramlogan SC:** Mr. Speaker, this matter—when we went out for stakeholder consultation I was amazed to see the interest this matter of dog ownership in Trinidad and Tobago generated. I was amazed at the number of persons who responded, and people who do not comment on serious legislation affecting crime in the country, family court and the High Court and so on, these people actually put pen to paper and actually sit down to send their comments in. [*Interruption*] I realize that dogs occupy a very unique and special place in the hearts and minds of persons.

**Dr. Ramadharsingh:** “Oh” yes, they do.

**Sen. The Hon. A. Ramlogan SC:** Indeed, to just give you a brief overview of some of the comments we received, in particular from elderly and single women: that the dog is necessary to provide companionship and that it is a part of their immediate family. In fact, I remember reading one particular comment, they said, of course, you know, they prefer to have a dog than to have a boyfriend because they felt that the dog was more loyal, trustworthy and it provided better companionship.

**Mr. Roberts:** I disagree with that.

**Sen. The Hon. A. Ramlogan SC:** Well, I disagreed and I tried to contact the persons to change their minds but I will leave that for another time.

Mr. Speaker, they said the dogs play with their owners, keep them company, listen to them, eat with them, cry with them, laugh with them, welcome them home after a hard day’s work with a loving smile and lick and so on, and wagging tail, and apart from listening—one particular lady said the dog does not only listen “it does actually talk to she”.

**Mr. Sharma:** Extremely good listener.

**Sen. The Hon. A. Ramlogan SC:** Extremely good listener.

**Mr. Roberts:** That is Nalini Ramdial. [*Laughter*]

**Sen. The Hon. A. Ramlogan SC:** Mr. Speaker, another category had to do with therapy, that the dog serve a purpose—I did not even know about this, but dogs serve a useful purpose in the medical world, and they are actually a useful aid for therapy. They provide therapeutic relief and stress relief for persons in hospital, retirement and geriatric homes, nursing homes and hospices, children homes and orphanages, and even provide encouragement for people with learning disabilities and difficulties; the dogs do that.

**3.00 p.m.**

Mr. Speaker, indeed, some children with autism and other forms of unfortunate—

**Dr. Gopeesingh:** Needs.

**Sen. The Hon. A. Ramlogan SC:**—needs. The dogs play a critical, crucial role in the child's life.

**Hon. Member:** True.

**Sen. The Hon. A. Ramlogan SC:** Mr. Speaker, of course for security, a major one—that to have a dog is a major security thing. The dog's bark will alert you. The presence of the dog will act as a deterrent to others. In some cases, in some organizations the presence of a dog deters others from assuming leadership. But the dog is a serious thing.

**Hon. Member:** It is like the back door.

**Sen. The Hon. A. Ramlogan SC:** Yes. You see, Mr. Speaker, and for the poor man it is cheaper to have a dog than to go and acquire a whole complicated security camera, network and so on.

**Dr. Moonilal:** Give him a quarter roti; a quarter sada roti.

**Sen. The Hon. A. Ramlogan SC:** If for example, let us say for example, if you had a dog, whether it is a simple pothound or a pit bull, and someone were to be coming by your house in the dead of night to have a meeting. So if the dog sees that someone is coming to visit the home in the dead of night, if the dog sees a Rottweiler coming in at the dead of night through the back door, the dog will bark. So that somebody will see that, look a meeting is going to take place that should not take place and they will say that Rottweiler should not be there. But the dog serves a very important purpose.

**Dr. Gopeesingh:** You have to question the integrity of that.

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**Sen. The Hon. A. Ramlogan SC:** The dog’s bark will lead you to question the integrity of the persons holding the meetings. [*Desk thumping*]

**Hon. Member:** Nice one Tim.

**Sen. The Hon. A. Ramlogan SC:** You see, Mr. Speaker, apart from security, the dog is also used to prepare people for responsibilities in life. Couples who are newly married or who are not yet married, they choose pet ownership as a means of preparing for eventual responsibilities that will come with starting a family. There are families who give children a pet dog to teach them discipline and responsibilities, to teach them how to care for and love another living creature because it has been proven that it helps them to develop in a positive manner.

Of course, Mr. Speaker, there are cultural reasons. I remember my grandmother, Mr. Speaker, whenever I visited her—she had a dog—

**Dr. Gopeesingh:** “She give yuh licks nah.”

**Sen. The Hon. A. Ramlogan SC:**—and the dog was right there, but her explanation was very simple for having the dog. She said, “waste not, want not”. She used to work on the road and she worked so hard for “she money” that she said to waste food is a sin.

**Hon. Members:** Yes, it is a sin.

**Sen. The Hon. A. Ramlogan SC:** To waste food is a sin. So she wanted to have that dog there; she preferred to see the dog eat the leftovers than to waste that food.

**Dr. Moonilal:** And the grandson—[*Inaudible*]

**Sen. The Hon. A. Ramlogan SC:** And that value has passed on to the grandson. [*Desk thumping*]

**Dr. Gopeesingh:** Waste not, want not.

**Sen. The Hon. A. Ramlogan SC:** Waste not, want not. Mr. Speaker, of course, there is then—

**Hon. Member:** That is your “naanee” or your “aajee”?

**Sen. The Hon. A. Ramlogan SC:**—the necessity. In some cases it is an absolute necessity. So for example, the visually impaired, they have guide dogs.

**Hon. Member:** Seeing eye dogs.

**Sen. The Hon. A. Ramlogan SC:** Seeing eye dogs, but those dogs perform an important utilitarian, practical function in those persons’ lives. And of course,

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in some religions, dogs occupy a very special place as well. There are certain temples in India where they actually worship dogs. So, Mr. Speaker—

**Dr. Gopeesingh:** Police dogs for sniffing.

**Sen. The Hon. A. Ramlogan SC:** Police dogs—and then of course in terms of the national security apparatus, dogs perform a very important role there. Sniffer dogs for the Bomb Detection Unit, sniffer dogs to sniff out drugs—

**Hon. Member:** Cadavers.

**Sen. The Hon. A. Ramlogan SC:** Cadavers.

**Dr. Gopeesingh:** Lives.

**Sen. The Hon. A. Ramlogan SC:** Specialist dogs, specially trained to actually protect citizens, and we have them right now. If you come into the airport at Piarco you will see this Government has introduced through the Canine Unit, sniffer dogs at the airport to detect drug trafficking when you are coming through the airport. And we are about to beef-up that Canine Unit in the police service, Mr. Speaker, so the Government is going to rely heavily on that particular expertise.

Now, Mr. Speaker, of course, that is just a brief overview of the vast range of submissions that we would have received to show the relevant factors and considerations that were raised by persons.

Now, if we apply the restrictions in this Bill, to all of the dogs, well, Mr. Speaker, the poor man will not be able to own a dog, because the restrictions you have to get—\$250,000 insurance—

**Miss Mc Donald:** For class A.

**Sen. The Hon. A. Ramlogan SC:**—for class A, but if we apply it to all, he will have to get that. Then you have to have certain height requirement, fence requirement, signs have to go up and so on. I mean it will make dog ownership a very elitist activity, so we cannot do. That is why we have categorized the dangerous ones and we have left the others for general regulation and so on, and control.

Now, Mr. Speaker, how would one identify the pit bull? That is a practical consideration that has exercised my mind. But in the United Kingdom, they have trained the municipal police officers and the regular police officers to look for certain characteristics and they err on the side of caution. If the dog is behaving in an aggressive manner and if it has certain characteristics, they take control and possession of the dog and, of course, thereafter you can have experts look at it to determine if it is a pit bull or what is it.



In this Bill, clause 28, gives the power to make regulations subject to the negative resolution of Parliament, and these regulations would provide the flesh onto the bones of the legislation in terms of the requisite dimension for fences and walls and other matters pertaining to registration and licensing and so on, and of course we have repealed the 2000 Act.

My learned friend from Port of Spain South raised an issue that touches on what are the obligations that would apply to all the non-dangerous dogs then.

**Miss Mc Donald:** Class B.

**Sen. The Hon. A. Ramlogan SC:** Yeah, the class B. And clause 5(1), for example, will apply to all dogs, and that is, they will not be allowed to enter certain public places: restaurants or places where food and beverages are sold or consumed by the public, commercial malls and shops. You know, I was walking in Gulf City one day and I saw this guy, you know, cool, cool, calm, calm, with his dog, not muzzled and he is walking in the mall where children and people are and everybody was just avoiding him and walking to the side. So that kind of inconsiderate behaviour ought not to occur.

**Mrs. Gopee-Scoon:** In the mall?

**Sen. The Hon. A. Ramlogan SC:** Mr. Speaker, yeah. Clause 5(3), dogs must not be allowed to be dangerously out of control in a public place; you cannot encourage the dog to be aggressive or to attack another person without reasonable cause. [*Crosstalk*] Clause 16(2), where a class B dog has been dangerously out of control at least once, the dog must then be trained by a certified dog trainer. Clause 20, any person that causes any dog to attack another person commits an offence and of course we have severe penalties attached for that.

Now, Mr. Speaker, the Government has taken advantage of the technical innovations and the technology. We have included things such as microchipping which is now available to countries who seek to tackle this kind of problem, and I shall now take you to the Bill itself. The Bill in clause 2 states that it is to come into operation on a date fixed by the President by Proclamation. The interpretation section, clause 2, defines “constable” as including a Municipal Corporation police officer, a regular police officer or anyone else who is vested or clothed with the powers of a police officer. We have, of course, mentioned specifically a “guide dog” which means:

“a dog that is specially trained to aid a particular blind or visually impaired person;”

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We define “kennel” as meaning:

“any premises where more than five class A dogs are kept and maintained, and includes any establishment engaged in the business of boarding and selling dogs or where the breeding of dogs for sale is carried on;”

We have defined a “microchip” which means:

“an encoded identification device...which is implanted into a dog, containing a unique code that permits or facilitates access to owner information and which information is stored in a database established and maintained by the Ministry;”

But that is important because you see sometimes when the dog attacks someone, the owner stands up right there and he say, “Oooh Lord, ah so sorry,” “but he ent saying dat is he dog.” With the microchip now, you will be able to tell who is the owner of that dog, so that they can be charged and criminally prosecuted; so that the person can know who to sue to get some compensation to take care of the injuries.

Mr.: Speaker, we have widened the definition of the owner of the dog so that the legislation can be practical and workable. So a person responsible for a dog whether on a temporary or permanent basis, a person who is in charge of it, in addition to the actual owner, they will be caught. If someone is under the age of 18, in a case like that, then the person, the adult will be treated as being responsible. If you have a class A dog as being dangerously out of control—what do we mean by “dangerously out of control”? If it causes injury without reasonable cause, if there are grounds for reasonable apprehension that it will cause injury to another person without reasonable cause, whether it actually does so or not. And what do we mean by “reasonable apprehension”? It means apprehension as to the person’s safety or the safety of another person. So if the mother is walking the child and the mother is not in fear for herself but she is in fear for the child, then that is reasonable apprehension.

It does not include reference to a dog being used for a lawful purpose by a constable or person in the service of the State. So like the sniffer dogs, they cannot sniff if they are muzzled; they have to be able to be there at the airport and so on, the bomb detection unit and bomb squad and so on. So we have preserved that and we have made special exception for that.

There are places in clause 5 the dog cannot go: the restaurant, a place where food and beverages are sold or consumed by the public, a commercial mall or a

shop, unless of course the dog is a guide dog. If the dog has to enter a public place, it must be muzzled, securely held on a leash and it must have completed a course of training recognized by the Minister.

Reasonable cause now: this will give rise to what the owners' defences will be, and this will give some comfort to those owners and citizens who fear that we have gone too far. If the person attacked was committing an offence for which the penalty could be a term of imprisonment, then that is a valid defence. That is reasonable and probable cause. So if somebody is committing an offence or somebody is breaking into your house and you are a single woman, by all means the dog could defend you. You could unleash the dog, unmuzzle him and set him free.

**Dr. Rambachan:** If you are a single man.

**Sen. The Hon. A. Ramlogan SC:** Sorry, if you are a single man? Well you should put the dog inside, lock the door and go and act like a man and face the bandit yourself. [*Laughter*] If for example, the person was in a place where he was not permitted to be and was enclosed by adequately maintained and substantial boundaries which would reasonably be expected to be capable of restraining a dog and which was clearly marked to warn persons against entering, so be it. So if you are training dogs in a particular area, it is fenced, you have your warning signs up and somebody, you know, decides to climb over to come there and the dog attacks that person, that is reasonable cause.

**Hon. Member:** What clause is it?

**Sen. The Hon. A. Ramlogan SC:** This is clause 5(4). Then we have, of course, if the dog is being used for a lawful purpose in the service of the State—if the dog was provoked that is reasonable cause. So if someone taunts and provokes the dog—take a stick, you know sometimes you have wicked school children who come with a little stick and they “jooking” the dog and so on, no. If the dog reacts to that and the dog is provoked, then we cater for that. If the dog was being attacked by another animal and the dog is being trained or is participating in an event in which it demonstrates its ability—you know, for independence, sometimes we have these little shows we put on with the dogs and so on, they come out to demonstrate with the security services.

Now, the registration of class A dogs in clause 6, within three months of coming into force class A dogs must be registered; where the pup is at least six months old then it must be, the dog should be registered. In order to ensure compliance, the Ministry may require a veterinary surgeon to certify promptly in writing, the type of dog.

**3.15 p.m.**

**Mr. Speaker:** You have nine more minutes.

**Sen. The Hon. A. Ramlogan SC:** Certainly. This will help us, Mr. Speaker, with the identifying of the dogs because if you have the database and the register and you know the type of dog, because at birth the dog will “geh” like a birth certificate and the dog will be classified by the vet at birth, so you will know because the dog “cyar” change. I mean, yuh know, “yuh” born with the particular breed, that is it.

And we have a serious licensing regime. And what are the criteria to be satisfied to get that licence in clause 7, Mr. Speaker? The premises have to be inspected and approved; they have to have the policy of insurance; you must have paid your licence fee and you would have had to have a microchip implanted into the dog. Mr. Speaker, you would have to have a metal or label, a badge to describe certain—to have it securely affixed to the collar of the dog, and that would contain certain information that would be helpful.

In clause 8, Mr. Speaker, an owner or keeper who is unable to fulfil requirements, the Ministry could take possession and the dog would be destroyed, to cause as little pain as possible, by a veterinary surgeon. You have to have your place securely fenced and it must be constructed and maintained so as to prevent the escape of the dog that you have on your premises. There is a possibility that the appropriate officer can enter to conduct an inspection and if he feels that, look, there are certain areas you need to beef up, he will point it out to you and you will then have to comply to bring it up to scratch, Mr. Speaker.

Where a person is charged for an offence, however, the onus of proof shall be on that person to show that he complied with the requirements under this section. And that is important. It is a reversal of the burden of proof, which is why you go for a constitutional majority.

Mr. Speaker, the insurance is \$250,000 and you will have to take out that insurance if you want to keep that dangerous dog. If the policy lapses, you must inform within 24 hours and that will lead to a revocation of the licence you were granted. You have the right to join the insurer as a co-defendant and, Mr. Speaker, you have a right to ask the dog owner if you are injured, well, “Who is your insurer”? And he must provide details of the insurer to allow you and to facilitate the civil lawsuit you may bring against both the insurance company and the insured dog owner, to get some compensation to take care of yourself, Mr.

Speaker. If the insured refuses to provide the requested information, then he commits an offence and is liable on summary conviction to a fine of \$15,000, Mr. Speaker.

If you abandon a class A dog, that is a criminal offence, liable on summary conviction to a fine of \$50,000 and to imprisonment for one year, and that is to take care of the problem we had in England and other countries. That was clause 15.

Clause 16, class A dogs must be trained by a certified dog trainer. If a dog in clause 17 escapes from any premises, the owner or keeper shall be liable in civil proceedings. Clause 18, you must have a notice prominently displayed on your premises to warn people that you have a dangerous dog on it. And clause 19, where the dog injures or kills someone, in the case of injury, the fine is \$100,000 and imprisonment for five years. If the dog mauls someone to death, it is a fine of \$200,000 and imprisonment for 10 years. And this is where it is an unprovoked attack, of course.

If you incite the dog to attack another person, it shall be your defence to establish that the other person was committing or had an intention of committing a criminal offence, but otherwise you would be liable on summary conviction to a fine of \$25,000 and imprisonment for six months.

Destruction and disqualification orders are dealt with in clause 21. Where a person is convicted, the court may order that the dog be sold or given to another person who can properly care for it. It may order its destruction and it may order the offender to be disqualified. Where the court makes an order that the dog shall not be sold or given for purposes of vivisection, which is really experimentation with animals in a way that can cause distress to the animals—to avoid that.

Mr. Speaker, the magistrate, under clause 23, can grant a warrant in appropriate cases to allow for them to enter and inspect the premises to see what is taking place.

And, Mr. Speaker, we have a strict regime of penalties in this Bill and it ranges from terms of imprisonment from one year straight up; fines from \$15,000 to \$50,000 and upwards. For example, in clause 19, the liability on the owner or keeper of a class A dog where injury or death is caused, it is \$100,000 and imprisonment for five years. Where the class A dog kills the person, it is \$200,000 and imprisonment for 10 years. The first one is, of course, where they injure but did not cause death.

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So, Mr. Speaker, this Bill—

**Miss Mc Donald:** Thank you very much. In clause 27 with the kennels, where do you find the regulations pertaining to kennels? Is that to come?

**Sen. The Hon. A. Ramlogan SC:** Yes.

**Miss Mc. Donald:** All right.

**Sen. The Hon. A. Ramlogan SC:** Regulations for kennels will have to come. I mean, you would see from the examples I cited earlier on that in some cases there were five pit bulls that attacked the neighbour and so on. I mean, in a case like that, what is a man doing with five pit bulls? I mean, he really—we will classify him as having a kennel and he would be subjected to more rigorous restrictions and so on, because when he has five or more, he is really breeding. He is breeding dogs for sale.

So, Mr. Speaker, we think that this Bill represents an important advance, a progressive and positive step in the right direction to secure responsible dog ownership, management and control. The State is making an important intervention in a critical area that has been unregulated for far too long and we believe that this Bill can bring about and foster a culture of responsible dog ownership.

With respect to those victims, the State, in those cases, had to rely on the existing law which was woefully inadequate and did not offer enough protection from the vicious attacks that they sustained. So, Mr. Speaker, I believe that this Bill is a hybrid model; it is a matter of a rather delicate constitution but we have struck the right balance and we have achieved a measure of social equilibrium that will make it acceptable to the dog owners, the dog lovers, the animal rights activists and the persons who require protection for life, limb and property from vicious dogs.

I thank you very much and I beg to move. [*Desk thumping*]

**Hon. Member:** Good job. Good job.

*Question proposed.*

**Mr. Colm Imbert (Diego Martin North/East):** [*Desk thumping*]—

**Hon. Members:** No!

**Mr. Sharma:** Pothound.

**Mr. C. Imbert:** Mr. Speaker, obviously, you are not hearing the insulting remarks coming across the floor from the Members opposite.

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**Mr. Sharma:** What you have against pothounds?

**Mr. Speaker:** Hon. Members, I want to appeal to Members to take this debate very seriously and not—

**Mr. C. Imbert:** You all are disgusting.

**Mr. Speaker:**—make any statements that are offensive, objectionable or insulting to any Member of this honourable House. Please be guided accordingly. Continue, hon. Member.

**Mr. C. Imbert:** Thank you, Mr. Speaker. [*Interruption*]

**Mr. Speaker:** Please, Members.

**Mr. C. Imbert:** “Yeah, dey cyar” help themselves, Mr. Speaker.

Mr. Speaker, the Attorney General has been at pains to tell us that the legislation before the House, the Dog Control Bill, 2013, is a unique Trinidad and Tobago hybrid of various pieces of legislation around the world. Mr. Speaker, I beg to differ. I would not describe this Bill as a hybrid, but simply as a cut and paste. [*Desk thumping*] Now having said that it is a cut and paste—

**Miss Hospedales:** It is a cut and paste.

**Mr. C. Imbert:**—there are some elements of the pasting that are worthy of support but some elements of the cutting that are not, and I would really like the Attorney General to explain why, having borrowed some aspects of legislation in other countries, notably the United Kingdom and Australia, and having introduced this concept—it was there in the 2000 law but it returns in this Dog Control Bill which is going to repeal the 2000 Dangerous Dogs Act by way of clause 30. But it reintroduces the concept of a dangerous dog in the Schedule by creating a category of a class A dog and defining a class A dog as a pit bull terrier or any dog bred from the pit bull terrier, the Fila Brasileiro or any dog bred from the Fila Brasileiro, and the Japanese Tosa or any dog bred from the Japanese Tosa.

So it recognizes—and the Attorney General gave some information on the commonly-held perception and belief, and in some jurisdictions, established scientific fact—that these three breeds of dog are dangerous, and what the legislation seeks to do is to place severe restrictions on owners or keepers of these three types of dogs, or dogs bred from these three types.

I would like the Attorney General to explain, since in the United Kingdom there was a total prohibition, and since in other jurisdictions there is a requirement that these dogs be spayed or neutered so that the breeds will not continue. You

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have defined them as dangerous on the one hand, but on the other hand you are allowing people to continue to have these dogs and to breed them.

**Hon. Ramlogan SC:** What is your position?

**Mr. C. Imbert:** It is an entire contradiction, Mr. Speaker. If the dogs are dangerous, they are dangerous. [*Desk thumping*] They are not half dangerous; they are not quarter dangerous. You know, Mr. Speaker, a former political leader of the UNC said, in one of his quips in his usual style: “You cannot be half pregnant”, and a dangerous dog is dangerous, plain and simple, Mr. Speaker.

And the reason why I say they have cut and paste, I heard the Attorney General speaking about a clause that spoke about “reasonable cause”, and I was not clear which clause that was until he identified it as clause 5, and he was moving on from clause 5(3) into 5(4) and clause 5(3) states:

“No owner or keeper of a dog shall—

- (a) permit the dog to be dangerously out of control in a public place;
- (b) encourage the dog to be aggressive or to intimidate a person; or
- (c) permit the dog to attack a person without reasonable cause.”

Then it goes on to talk about “reasonable cause” was the person was committing an offence; the person was in a place where he should not have been, et cetera; the dog was provoked. That is all very well, Mr. Speaker, but that is in direct contradiction to clause 19, which was certainly cut and pasted from some other piece of legislation because clause 19 says, without any qualification whatsoever, without being subject to any other clause, that:

“Where a class A dog injures a person, the owner or keeper of the dog commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for five years.”

And one of the problems with this legislation, Mr. Speaker, one of the problems with the Attorney General’s presentation, is that he did not explain to dog owners, whether they are going to be owners of class A or class B, the serious consequences of this legislation. Because what clause 19(1) means, whether they had cause or not; whether the cause was reasonable or unreasonable, if you are the owner or keeper of a class A dog and it injures someone, wherever—in a public place or a private place—you commit an offence and are liable to five years imprisonment and \$100,000, Mr. Speaker. So there is no concept of “reasonable cause” in that clause. And there is no information in the legislation which tells us



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whether clause 5 is superior to clause 19, and how we are supposed to read clauses 5 and 19 together. Clearly an error, Mr. Speaker, that occurred in the cutting and pasting.

**3.30 p.m.**

And for owners of class A dogs who want to keep them for whatever reason—and you know, Mr. Speaker, owners of dogs are very passionate about their dogs. No two ways about it. Some of them lose reason. Their pit bull has just mauled or killed somebody and they are in denial and they do not want to deal with it because of the relationship that they have with the dog. And I think it is incumbent on me, Mr. Speaker, therefore, to let owners of class A dogs know, that if someone has entered their home with their permission and is injured by a class A dog, they are going to be liable to five years imprisonment and a fine of \$100,000, no matter what. You could see as you go on, Mr. Speaker, the draftsperson was not thorough because in 19(2), it says:

“Where a class A dog kills a person or causes the death of a person, the owner or keeper of the dog commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars and to imprisonment for ten years.”

But it goes on to say that:

- “(3) Where...kills a person or causes the death of a person on or outside private premises where—
- (a) the dog was unprovoked; or
  - (b) an offence was not being committed, the Court may order the seizure and destruction of that dog.”

So it recognizes that in the case of death, you could have provocation or you could have a trespasser committing a criminal offence, but clause 19(1) does not recognize that at all. So I would like the Attorney General—fix that please. “Make up yuh mind.” What are you saying? Are you saying that if someone owns a pit bull or a—I must say I have never come across these other breeds, the Fila Brasileiro, Japanese Tosa. I would not have a clue what they would look like, and I think there needs to be public education as to the nature of a Fila Brasileiro and a Japanese Tosa, because most people will know what a pit bull looks like. It is distinctive. Very few people in my opinion, unless you are involved in this area, will know what a Fila Brasileiro or a Japanese Tosa looks like. But that is beside the point, Mr. Speaker.

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Let us deal with the pit bull because there are many pit bull owners in Trinidad and Tobago. I do not think there are 500,000, but there are many, and this clause is going to make it a strict liability offence, that if you own this dog, you invite somebody into your home and for whatever reason the dog injures somebody, five years jail and a severe fine. I think I need to read into the record—the Attorney General has read into the records some accounts of injuries and so on, from dangerous dogs, but I think I need to read into the record some of the literature in the United Kingdom, Mr. Speaker, because they are the ones who, let us say, started the process of becoming very serious about dangerous dogs by way of legislation. I am reading from the *UK Guardian* of some stories of victims of dog attacks. I found this particular story, quite interesting, quite sad, Mr. Speaker, but quite interesting, and it is a story of a lady called Sarah Barron.

“It was January 2010”—not too long ago—“and we were visiting my fiancé’s family one Sunday evening. His brother’s girlfriend had just found out she was pregnant, so we were celebrating. We were all sitting around chatting and their dog, a staffordshire bull terrier, was curled up on the sofa next to me. She was a great dog, a typical staffie: boisterous, very loving and fabulous with children. We must have been there for about an hour when suddenly, without warning, I heard this awful snarling. Next thing I knew, ...” the dog “was on top of me.

First, she went for the side of my face near the hairline, but she couldn’t get any purchase, so she went for my mouth. She tore my face in a jagged line from the Cupid’s bow across the cheek. My top lip was left hanging off; there was blood everywhere. It was over in seconds.”

And then she goes on to describe what has happened:

“The next day they put 50 stitches in my face...”—and so on.

“The skin on the top of my mouth had died, so they did a graft.”  
“...and...the corner of the mouth was tucked in...it makes me look...miserable...” I have to get makeup put on all the time.

And she says:

“Who knows why the dog bit me? I was sitting on the sofa between her and her owner...”

Nothing happened. Nobody provoked the dog.

So that, Mr. Speaker, I think the Attorney General has to explain to dog owners what is going on, because clause 19 will make this an offence, where a

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dangerous dog attacks somebody for no reason, without provocation, without warning, and I think you need to let these dangerous dog owners know that it is a very—[*Interruption*]

**Sen. Ramlogan SC:** [*Inaudible*]

**Mr. C. Imbert:** No, no problem. I will assist you—serious matter. Very, very serious matter. You need to let them know.

Let me go with another story, Mr. Speaker, and this gives you some insight into dog owners and the concept of a fit and proper person to own a dangerous dog, which is now being introduced in the United Kingdom—the concept of being fit and proper. This was not in their regulations until very, very, recently, but the draft Dangerous Dog (Amendment) Bill, April 2013 is very current—presented to the Parliament by the Secretary of State for Environment, Food and Rural Affairs, April 2013—and Mr. Speaker, this amends a very important clause in the UK Dangerous Dogs Act, and that would be clause 6 or section 1, clause 6, and it is the scheme. These are what they call the regulations in United Kingdom. They have a scheme which outlines the circumstances where you might possibly keep a dog.

“...A scheme under subsection (3) or (5) may in particular include provision requiring a court to consider whether a person is a fit and proper person to be in charge of a dog.”

That is a very important point, because you may have a known criminal, somebody with endless convictions for wounding, for burglary, et cetera, who has secured his house, who has put up the appropriate 10 foot fence with the proper bulletproofing, put a microchip in the dog as is being required here, make sure the dog has a proper collar, put up the signs and so on, pay the prescribed licence fee, but the man is a criminal. You know, in the United Kingdom, they have recognized that they need to now introduce the concept of a fit and proper person to keep a dangerous dog “eh”, and I think it is something worthy of consideration.

**Sen. Ramlogan SC:** To keep a dangerous dog out of a dangerous hand.

**Mr. C. Imbert:** Correct! I think this is something, Mr. Speaker, that is worthy of consideration in this jurisdiction, because the regulations that are being referred to in the Bill only deal with the dimensions of the fence or wall of the premises to be secured. Basically that is it. Everything else is the form and recording of the microchip—that is a straightforward matter—the fees to be charged, the form of insurance. But it does not deal with whether you should give

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someone who is known to be a dangerous person, somebody who is known to have committed many violent crimes, but that person meets all these requirements: pay the fee, put in the microchip and put a tall wall around his premises.

There is no prohibition in this law that would prevent someone like that from having possession of a dangerous dog, and it is something that we need to look at. I think right off the bat that certain categories of persons—persons who have been convicted of violent crimes and so on, crimes against the person, should not be permitted to keep a dangerous dog, and I think it is something that the Attorney General should look at. [*Desk thumping*]

But let me go on to the point I was making. This is a particular family, Justin Eronimus, a retail consultant from south London. You are familiar with that? Oh sorry.

**Sen. Ramlogan SC:** I am grateful to you for the reference. I find it is a really interesting proposition and I wonder whether or not we could not perhaps improvise a bit. And in the conditions for the licence, we can insert a clause there to say that as one condition of the licence, you must have a clean criminal record, or provide a police certificate of good character. So that if we say you have to provide a police certificate of good character, that will immediately eliminate many of those persons with criminal records. I think that is a very worthy and interesting point. So thank you very much.

**Mr. C. Imbert:** Yes, no problem at all. In fact, that is how they do it in the UK. They put it into the regulations. But, Mr. Speaker, I am not comfortable with doing ad-lib amendments. I am not comfortable with ad-lib amendments. I mean, it sounds good, and I think we should agree on that in principle and we need to tighten it up and make sure we are not creating other problems when we do that. But certainly, I would not want anybody convicted of a violent crime to be allowed to own a dangerous dog. Out of the question, Mr. Speaker!

**Hon. Member:** Good point! Good point!

**Mr. C. Imbert:** So let us move on to this story now. [*Interruption*]

“It was a sunny evening during the 2010 World Cup. My children were so excited by it, my wife and I decided to take them for a kick-around in Northbrook Park, near Lewisham.

I was just setting up the goalposts when my wife started screaming. I

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turned to see her sprinting as fast as she could towards the children. There were three big terrier crossbreeds running straight at them. My wife got to our four-year-old, grabbed him and held him as high as she could above her head, still screaming. All three dogs jumped up, trying to grab him.

I ran over and pulled my nephew behind me. I found myself face to face with the dogs. They showed their teeth—like a pack of wolves.

We got the children into a fenced-off play area. Other parents were also shielding their children in there. I called the police. While I was on the phone, I heard another commotion and turned around to see the dogs' owner—"this is where they are coming to this fit and proper person thing—"running after my wife waving a dog chain at her. As he caught up with her, she crouched on the floor and put up her arms to protect her head. Luckily, another parent grabbed the other end of the chain... I realised he was attacking my wife because she had taken..."—photographs—"of the dogs.

He told us we will be dead next time he saw us, and ran off. I was still on the phone to the police and they asked which road he had gone down. So I went after him. Suddenly he ran at me and punched me in the head. The next thing I knew, all three of the dogs came at me at the same time. One went for my back...I was left with a big rip in my back and two deep bite marks."

And it goes on to say—

**Sen. Ramlogan SC:** When was this?

**Mr. C. Imbert:** When was this?

**Sen. Ramlogan SC:** Where?

**Mr. C. Imbert:** Where? This is in England, south London, in a park—in a public park.

"The police took custody of the dogs"—and this is the sad part, Mr. Speaker—"and the case ended up going to crown court. His lawyer argued we were overprotective parents."

So these are the things that you need to tighten up in this legislation, because I am seeing, Mr. Speaker, an element of subjectivity in some of the definitions that we need to fix.

"Then it went to magistrates court and he pleaded guilty. By that time he was in prison for another offence. Two of the dogs were put down...the

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other was given to his parents and ordered to be muzzled. The police told us it had cost £17,000”—\$170,000—“to hold on to those dogs during the year that it took for the trial to take place.”

So that is the question of owners, and we have owners like that in Trinidad and Tobago, Mr. Speaker. I am going to read into the record a story of something that happened in south Trinidad with respect to someone trying to escape dangerous dogs and what the dog owner did to him. Let us close off these stories out of England with another one.

“It was 1970, cup final day...I was 18-months-old. We had gone to my grandmother’s house in Oxfordshire to watch the match.... My...”—mother—“my grandmother and I were sitting in the garden. I was on my mum’s knee and she was reading me a story. All of a sudden, for no apparent reason, my grandmother’s puppy, a labrador..., jumped up and took a large chunk out of my face.

It was bad. The right-hand side of my face was ripped opened. I’m not sure how many stitches I had, but I suspect it was more than 100.

My...mother was devastated.

I ended up with a scar that starts at the top of my nose and travels in an arc”—down—“to the outside edge of my eye and down to my mouth.”

And she was 18-months-old at the time. It was a family in the garden. The family dog was there. How can an 18-year-old provoke a dog? She cannot.

**Hon. Member:** Eighteen months.

**Mr. C. Imbert:** Pardon?

**Hon. Members:** Eighteen months.

**Mr. C. Imbert:** Eighteen months. Yes, that is what I am saying. Eighteen months old. How can an 18-month-old baby provoke a dog? Impossible! But the dog just lounged at this woman and attacked the child.

So we have to be serious about what we are doing here, Mr. Speaker; very, very serious.

**3.45 p.m.**

Let me go now to the Trinidad and Tobago experience and here is a story in the *Newsday*, July 13, 2012:

“Los Iros man beaten by owner of dangerous dogs

A Los Iros villager is now running scared for his life after he was attacked and severely beaten by the owner of dangerous dogs when he tried to defend himself from a dog which was chasing after him.

Fifty-seven-year-old Naresh Harry, popularly known as 'Boyso,'...was walking along the Los Iros Road on his way home from work when he heard the sound of dogs barking...he became frightened and began running and a very big...mixed-breed dog which looked like a pitbull began running after him. He...took up a stone with the intention of pelting the dog to scare it away, but...missed...

...as he threw the stone, the owner of the dog, a tall stockily built retired Petrotrin estate police officer approached him in a menacing manner and demanded to know why he threw a stone at the dog...he tried to explain to the owner...the dog was chasing after him....

'I...asked him why"—don't you—"fence"—your—"yard to keep the dogs inside but that"—got—"him even angrier...he grabbed me by my neck and start to slam my head on a nearby concrete wall'...

...he begged the man to let him go, but he continued slamming him on the wall and choking him until he passed out...'I am not sure how long"—I was out—"but when I revive, I saw a police jeep and three police officers over me asking what happen'...

...I told them the man had attacked me 'and the police officers went up the hill to the man's house to inquire...as they...approaching...he saw at least five dogs barking and coming towards the police officers...one of the dogs lunged at the female officer, a shot was fired to scare them away...the officers left without talking to the owner.'

So this is something that requires investigation actually to find out what happened here. But, the fact of the matter is, this is a man trying to get away from a dangerous pit bull cross-breed, pelt a stone at the pit bull and the owner picks him up and starts to beat him to the point that he becomes unconscious, Mr. Speaker.

**Sen. Ramlogan SC:** Dangerous human.

**Mr. C. Imbert:** Yes. I make the point that people are so passionate about their dogs that they lose reason when—because, you know, if you look at what is being said here, the owner of the dog lost reason, "yuh know". He was not concerned at the fact that his pit bull could have severely injured this man or even

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killed him, he was just vex because the man pelt a stone at the dog. So we, Mr. Speaker, need to be very, very careful about what we are doing in this House, and we have to make sure that the legislation is as tight as it could possibly be, because people are going to use as a defence that the dog was provoked, “yuh know”, the person had no right to be there. It could be as simple as that.

Someone—a neighbour may enter your yard, he is accustomed going there, no problem; you allow him to go there, but on the one day that he enters your yard and your pit bull attacks him, you will say, or an unscrupulous person might wish to say, “I did not permit him to enter the premises”. So the whole question of the person was at a place—this is in 5(4)—where he was not permitted to be, what does that mean? Is he an intruder? Is he a burglar? Or is he a family friend who is accustomed passing through the yard on his way home from school, for example, and he just happened to get injured? You know, we need to tighten up.

Mr. Speaker, I want to say at the outset that I have no problem with this particular piece of legislation. I am qualifying what I am saying. I have no problem doing whatever I can to assist the process in terms of improving this legislation.

**Dr. Moonilal:** Hired!

**Mr. C. Imbert:** I have no problem with this particular piece of legislation.

**Dr. Moonilal:** Hired.

**Mr. C. Imbert:** Pardon?

**Dr. Moonilal:** Hired!

**Mr. Roberts:** You are hired!

**Mr. C. Imbert:** Oh, be quiet! [*Laughter*] But it is necessary to go on, Mr. Speaker, because the Attorney General spoke about the pit bull being bred to attack and spoke about the pit bull having very great jaw strength and so on. But, you know, Mr. Speaker, there are all sorts of scientific papers that are being produced that say, “the pit bull is a lovely dog, it is not dangerous, it is not aggressive” and, you see, this is the problem. Because, you will have people, even professional people, who will want to try and produce information that there is nothing wrong with a pit bull, nothing wrong with a Japanese Tosa and so on. Mr. Speaker, I beg to differ. I seriously beg to differ. The pit bulls that I am familiar with, I do not trust them. I cannot speak for you, Mr. Speaker, I cannot speak for you, but—



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**Hon. Member:** I thought he was a Rottweiler.

**Mr. Roberts:** “Doh” trust a Rottweiler.

**Mr. C. Imbert:** Well, we will talk about Rottweilers now since [*Laughter and desk thumping*] you brought up—“since you brought up you have ah Rottweiler”.

**Sen. Ramlogan SC:** And he knows of lack of trust.

**Mr. C. Imbert:** Mr. Speaker, I refer to a story in the *Guardian*.

**Mr. Roberts:** Is it the truth or did you read it in the *Guardian*? [*Laughter*]

**Mr. C. Imbert:** I think it is true. May 2013: “Dog shot by police.”

“Police in Trinidad and Tobago are facing backlash from dog lover’s...after killing a family dog belonging to Christlyn Moore, who is Minister of Justice...”

**Hon. Member:** “Ooooh Gooood!”

**Mr. C. Imbert:** “...the dog was shot and killed”—now this is the question of the breed, this seems interested in breed of dogs.

“...the dog was shot and killed at around 11 a.m. on April 29 at a home on Grapefruit Avenue”—it is actually Grapefruit Crescent—“Maraval.

The dog, a Rottweiler, was reported by several neighbors who were afraid the dog would attack.

When police arrived at the scene, they learned the dog had been cornered in a house. The dog attacked the officers as they approached, and was shot three times. Police later received a call from a family member asking where the dog had been taken after being killed”—and, well, the Minister “refused to comment...”

But, the fact of the matter is that this is a dog—not a pit bull, not a tosa or fila or whatever—that got away, was in the neighbourhood, neighbours became afraid, the dog was cornered, the police came for the dog, the dog attacked the police, they shot the dog, they killed the dog. At least that is the police story, okay; that is the police version of events.

You see, Mr. Speaker, this comes to the point of having a dog dangerously out of control. I think there is need for the Government—it is the Government’s responsibility—to educate people who have dogs of any persuasion, Mr. Speaker.

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Because this piece of legislation, while it is focused on dangerous dogs and it refers to three specific breeds, in clause 5 (3), it states that:

“No owner or keeper of a dog shall—

- (a) permit the dog to be dangerously out of control in a public place;
- (b) encourage the dog to be aggressive or to intimidate a person; or
- (c) permit the dog to attack a person without reasonable cause.”

Now, the house this dog was in is a private place, “eh”, so you need to do some work on this legislation, Mr. Speaker, through you, to the Attorney General.

Because, in the United Kingdom, one of the changes they are making to the legislation—their legislation, in the draft Dangerous Dogs (Amendment) Bill is that they have taken out the distinction between a private place and a public place in certain situations and you now are guilty of an offence whether the dog was in a public place or in a private place. In this particular place—the story I just read out there with the Rottweiler dog, the defence could be the dog was in a private place. I mean, the home of somebody else is not a public place. So, we need to tighten this legislation because certainly, if a dog is dangerously out of control, has run out of one’s yard where it is supposed to be and run into a next person’s yard, then I think the offence should apply equally, because the offence is that you own a dog that is dangerously out of control.

I think people need to understand what is going to happen after this legislation is proclaimed because there is a proclamation clause. The proclamation clause is necessary because the regulations have to be put into place, and the local authorities need to be prepared to receive the many dogs, because there are going to be people who will not be able to satisfy the requirements; people who cannot afford the insurance, for example, with respect to dangerous dogs. So you are going to have quite a few of these dangerous breeds being handed over to the local authorities so that is why you have a proclamation clause in there, but we need to fix it.

Because the intent cannot be that the dog is only out of control in a public place, it has to be that the dog is out of control; that has to be it. Or it is being—or suppose you brought your dog—like this fella who beat up the man—suppose he came into the man’s home with the dog and tried to intimidate the person. So that has to be the offence: the intimidation, inciting the dog to attack and dangerously out of control, not simply in a public place.

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While we are at it—[*Crosstalk*]—while we are at it, there is a little problem with clause 5 generally, because it says:

“No owner or keeper of a dog...”

So that means down to a poodle, a Chihuahua—

**Miss Mc Donald:** Pothound.

**Mr. C. Imbert:** A mixed breed—I am talking about small dogs, little dogs like Chihuahuas, Pekinese and so on.

**Hon. Member:** Pompek.

**Mr. C. Imbert:** Well, that is a cross between a Pomeranian and a Pekinese—

**Miss Mc Donald:** “Aye aye!”

**Hon. Member:** Oh good!

**Mr. C. Imbert:** So I am talking about Pomeranian, Pekinese, Chihuahua and so on.

**Mr. Roberts:** “You resemble that. What! Now, we listening to you.”

**Miss Mc Donald:** “Yuh know yuh dogs well!” [*Continuous Crosstalk*]

**Mr. C. Imbert:** So—Mr. Speaker, they are not attacking me but they are making too much noise.

**Mr. Speaker:** Okay. Members, could you allow the Member to speak in silence, please.

**Hon. Member:** Yes.

**Mr. Speaker:** Continue, hon. Member.

**Mr. C. Imbert:** I know they were congratulating me, but they making too much noise, [*Laughter*]—they making too much noise! [*Desk thumping*] So let us go now to clause 5(1):

“No owner or keeper of a dog...”

—let us use the Chihuahua—

“shall permit the dog to enter any –

(a) restaurant;

(b) place where food or beverages are sold...

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(c) commercial mall; or

(d) shop,”

And what struck me: what is a shop? And particularly for those Members opposite who represent rural constituencies, you are now banning the owner of every shop—every shop in Oropouche, [*Crosstalk*] every shop—

**Hon. Member:** Yeah!

**Mr. C. Imbert:** No, but a shop—what is a shop? There is no definition in the law as to what is a shop, so you have to use the general English meaning which is a place where things are sold. So you are banning every owner or operator of a little parlour in Oropouche or Tableland from having a Pomeranian, a Pekinese, a dachshund—I mean, who comes up with these things, Mr. Speaker? And really this needs to be qualified. I can understand commercial mall, shopping mall, a general prohibition on dogs in a shopping mall, I can understand that.

But, if a person has a little shop—a little two by four shop—and chooses to have a little Pomeranian with him, how you will now create that as a criminal offence? I am talking about a dog that would not normally be a dangerous dog, Mr. Speaker. So I think this needs to be looked at. [*Crosstalk*] Why not? Why not? You see, Mr. Speaker, I heard a Member opposite say, “Oh, yuh doh have to have a dog in yuh shop”. [*Crosstalk*]

The other point is, Mr. Speaker, suppose the dog is secured on the premises, suppose it is a dry goods shop—“we eh talkin about health, it is ah hardware”—suppose the dog is input in the premises at night. No members of the public are there, the place is not open, they release a dog in the hardware store at night. Guilty, jail, fine.

So that, Mr. Speaker, this needs to be thought through carefully [*Crosstalk*] because when the—it was all right until I hit shop and then I thought that people—[*Crosstalk*] Yeah, whatever. People might want to have a dog on their premises outside of working hours when the shop is not open to the public, where there are no hygiene issues—no hygiene issues whatsoever, as security. So, I would like the Minister to just look at that and see if you need to make a little qualification with respect to shop.

**Hon. Member:** Well done! Well done!

**Mr. Roberts:** AG, note it!

**Mr. C. Imbert:** Now, Mr. Speaker, the other thing that I did not see in here, you have all these security companies that have a canine unit, but this law only

refers to a constable or a person in the service of the State, so it does not cater for private security companies, because a constable would have to be somebody who is precepted or a person in the service of the State or some—

**Mr. Sharma:** Yeah, state constable.

**Mr. C. Imbert:** Yeah—have to be precepted. So, Mr. Speaker, again, it seems to me this is another oversight, because owners, operators of private security companies will now be in a bit of trouble in terms of whatever dogs they may be using for lawful security purposes. So again, that needs to be looked at.

**4.00: p.m.**

Mr. Speaker, the other point that bothered me a little is, we are coming up—this is hybrid “in truth eh”. As I said, it is cut and paste. It is hybrid and what I am seeing here is that severe penalties will be imposed on persons who permit a dog—“leh meh” go back to clause 5(3) now:

“No owner or keeper of a dog shall—

- (a) permit the dog to be dangerously out of control in a public place;
- (b) encourage the dog to be aggressive or to...
- (c) ...attack a person without reasonable cause.”

Now there is a great level of subjectivity here. I think the Attorney General needs to be very careful about what he is doing because a person may come under attack from someone in a public place, he may have his dog with him and the dog joins in, defends the person and then the person finds himself subject to a lawsuit or a charge that he permitted the dog to attack a person without reasonable cause, or he encouraged the dog to be aggressive. I have used these stories of dog attacks that were, apparently, unprovoked.

In fact, when they went deeper into some of these stories they felt that the dogs were simply being protective and apparently that is a problem with certain types of dogs; that they are extremely protective of their owners. So that a dog may simply attack because it believes that its owner is under threat. There are some dogs that react to certain genders, for example. I am familiar with dogs that will attack men and not attack women. They can—*[Interruption]* yes, Mr. Speaker. They can detect whether a person is male or female. They will not attack females but they will attack males. The point I am making is that quite often an owner, because you are now widening this whole thing to all dogs, with respect to dangerously out of control, aggressive, attacking a person without reasonable

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cause, and you are also removing the defence of scienter. I notice the Attorney General just kind of fly pass that, removing the defence of scienter. I think, since he did not really explain what scienter is, I think I should.

**Sen. Ramlogan SC:** I did.

**Mr. C. Imbert:** Well I do not think you did.

**Sen. Ramlogan SC:** Maybe you did not understand.

**Mr. C. Imbert:** All right, okay.

**Mr. Roberts:** You should scientate.

**Mr. C. Imbert:** Mr. Speaker, scienter is similar to mens rea and scienter is a category within the common law, within tort law, which deals with damage done—if you go into the history of scienter, it deals with damage done—by an animal to a human and it is sometimes used as the standard for liability and guilt. And, therefore, the accused must know that it was wrong.

Now, what the Attorney General is saying is that the defence of scienter, where I have to know that what I was doing was wrong. I have this dog—let us say the dog is pregnant, let us use that as an example, because quite often, a pregnant dog may be very protective or may be irritable or whatever—I have to know that if I put a dog in a particular situation it could attack someone. That is the defence of scienter under the common law. So if I am a dog owner now and my dog attacks someone, I can always rely upon the defence of scienter—“ah did not know”—and then the proof will have to be that you knew or you ought to have known that having a dog in that situation could lead to injury or attack.

**Sen. Ramlogan SC:** That is only a civil lawsuit “eh”.

**Mr. C. Imbert:** Yeah, I know. That is common law. It is tort. I mean we are talking about categories, “come on man.” Tort is a category of—*[Interruption]* yeah but that is—sorry. I take that back.

But Mr. Speaker, this legislation removes the defence of scienter, so that—and coming back to clause 19 where you are telling the person if they have a class A dog and that injures somebody, five years imprisonment and some hefty fine.

And coming back to clause 5, where it is all dogs and if the dog is dangerously out of the control, aggressive, you are encouraging the dog to intimidate someone, attacking a person without reasonable cause, this is serious,

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you know. Because, what the Attorney General did not say—and as I said, this goes right down to the little Pekinese or the little poodle. No owner or keeper of a dog shall do X Y Z. And listen to this:

“A person who contravenes subsection (3) commits an offence and is liable on summary conviction to imprisonment for one year.”

There is no fine. There is no discretion on the part of the magistrate that they could fine the person, as has happened recently with some high-profile cases; they get away with a fine. There is no discretion on the part of the magistrate. They could just impose a fine and not impose a custodial sentence.

**Mr. Roberts:** “Ah find dat wrong.”

**Mr. C. Imbert:** In this case either the “magistrate jail them” or nothing happens to the person because the fine is simply “...liable on summary conviction to imprisonment for one year”. So you are putting the magistrate in a funny position now.

Because quite apart from having to deal with this strange provision, which refers to all dogs and, therefore, there is a lot of subjectivity in it. What is a dangerously out of control dog? What is an aggressive dog? And did I really permit the dog to attack a person without reasonable cause? But having gone through all of that and you sifted through all the facts and the evidence, and so on, you listened to testimony and you the magistrate now you come to a conclusion that you are going to find the person guilty, you are coming out with the sentence, “you cyah fine the person, you could only jail them”.

Mr. Speaker, this is certainly a clause that needs to be dealt with. “We cyah leave this so. We cyah leave this”, the penalty for this offence of having a dog dangerously out of control or encouraging a dog to be aggressive, et cetera, as being simply a jail sentence, because of the element of subjectivity in it and it may be stupidity. It may be a young person just encouraging a dog—not even being familiar with the law in this particular case—to be aggressive or to intimidate. This is very far-reaching. Let me read this particular subclause:

“No owner or keeper...”

*[Interruption]*

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

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*Motion made:* That the hon. Member's speaking time be extended by 30 minutes. [*Hon. A. Roberts*]

*Question put and agreed to.*

**Mr. C. Imbert:** Thank you, Mr. Speaker. Let me read this clause very carefully because it has to be a mistake, or it needs more work:

“No owner or keeper of a dog”—which means all dogs—“shall—“  
and this is (b):

“encourage the dog to be aggressive or to intimidate a person;”

That is extremely subjective. So, it means the owner of a Pekinese could be cited for encouraging that dog to be aggressive or intimidatory. And, as I said, the penalty is:

“A person who contravenes subsection (3) commits an offence and is liable on summary conviction to imprisonment for one year.”

I was going to wrap up now. So, Mr. Speaker, I am going to suggest to the Attorney General, we are willing to work with you on this. I think we need to, not take this Bill to the committee stage today and I think we need to sit down and see what we could do to improve this legislation. Because the general principle of dealing with dangerous dogs is something that we totally support, at least if it is done properly, but there are too many loopholes and errors in this legislation. I have mentioned some of them. I could talk for another 30 minutes but I would not. I would not talk for another 30 minutes.

I also would like the Attorney General to explain to me why are you putting the onus on somebody. When you mix what I just said with another clause that is of some concern and that clause is the clause where the burden of proof is now shifted to the accused person.

Mr. Speaker, through you, I would like the Attorney General to tell me, if you are shifting the burden of proof, as to whether a dog is a class A dog or not, from the prosecutor to the defendant and then you have all these subjectivity that I have mentioned here, could you explain to me the thinking why the onus of proof as to whether a dog is a dangerous dog or not has now shifted from the prosecutor to the accused? What is the thought process? Why? Why, if in one case, if I am the owner of a dangerous dog and it injures or kills somebody, I would be subject to



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all sorts of penalties, 10 years jail, five years jail, and so on, but if it is not a dangerous dog, it is one year imprisonment as the case may be? Why are you putting the burden on the accused to prove that the dog is not a class A dog?

The reason I am saying that, there has been a lot of case law and precedent in Australia, with respect to identifying a class A dog and there have been many disputes and arguments over how do you identify a class A dog: Do you use DNA testing? Do you use characteristics like the shape of the head, and so on?

What happened in Australia, is that they did not have sufficient pure DNA material within their forensic centres to be able to say, with any degree of certainty, as to whether a dog was a pit bull or not and I will tell you why. Australia banned the breeding and importation of pit bulls and because they banned the animal the breed died out. It became extinct. So the forensic science laboratory did not have sufficient fresh DNA material available to it to determine whether a dog was definitively a pit bull or bred from a pit bull.

I am just saying, since there are problems, well-established scientific problems all over the world in establishing whether a dog is a pit bull or whether it has been bred from a pit bull, why are you now putting the onus on the owner to prove that the dog is not a pit bull? I would like the—that is a question that I think needs to be answered by the Government. I think the onus should really be on the State when you are dealing with an imprisonment of 10 years and fines of \$250,000, and so on. I think the onus should be on the State to prove whether the dog is a dangerous dog breed and not on the owner of the dog to prove it, because of the uncertainty, in terms of DNA collection and DNA evidence.

Having said that, Mr. Speaker, I repeat that we are willing to work with the Government to improve this legislation. There are quite a few problems with it—  
[*Interruption*]

**Dr. Rambachan:** Good sign.

**Mr. Imbert:** Yes, there are quite a few problems with the legislation and we would ask that the Government defer the completion of this debate pending discussions between the Government and the Opposition. I thank you, Mr. Speaker. [*Desk thumping*]

**The Minister of Housing, Land and Marine Affairs (Hon. Dr. Roodal Moonilal):** Mr. Speaker, we have noted the contribution of the Member who, on a rare occasion, does give some good ideas and some important issues are raised, but rarely we hear this side of him and I would like to ask, bearing in mind his

*Leave of Absence*

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contribution on this matter, that in accordance with Standing Order 37(3), I beg to move that the debate on the second reading of the Dog Control Bill, 2013 be adjourned.

*Question put and agreed to.*

**4.15 p.m.**

#### LEAVE OF ABSENCE

**Mr. Speaker:** Hon. Members, I would like to revert again to the item “Announcements by the Speaker” on the Order Paper. I have been advised that the hon. Dr. Keith Rowley, Member of Parliament for Diego Martin West and Leader of the Opposition, has asked to be excused from today’s sitting of the House. The leave which the Member seeks is granted.

#### HOLY NAME CONVENT PAST PUPILS’ ASSOCIATION (INC’N) BILL, 2013

*Question put and agreed to:* That a Bill for the Incorporation of the Holy Name Convent Past Pupils’ Association and for matters incidental thereto, be now read a second time.

*Bill accordingly read a second time.*

*Bill referred to a special select committee of the House appointed by the Speaker as follows:* Mrs. Nela Khan (Chairman), Miss Ramona Ramdial, Member; Mr. Jairam Seemungal, Member; Mrs. Patricia Mc Intosh, Member and Mr. Fitzgerald Jeffrey, Member.

#### ADJOURNMENT

**The Minister of Housing, Land and Marine Affairs (Hon. Dr. Roodal Moonilal):** Mr. Speaker, I beg to move that this House do now adjourn to Friday, June 21, 2013. On Friday at 1.30 p.m., it is the intention of the Government to continue debate on this matter before us today, the Dog Control Bill, 2013, and to conclude debate on Bill No. 8 on the Order Paper: A Bill to give effect to the Economic Partnership Agreement between CARIFORUM States and the European Community.

**Mr. Speaker:** Hon. Members, before putting the question for the adjournment, may I take this opportunity to remind Members that Wednesday, June 19, is Labour Day in the Republic of Trinidad and Tobago. At this point in time I call on Members to make a statement on that occasion. Hon. Leader.

*Labour Day Greetings*

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**Hon. Dr. R. Moonilal:** The Acting Minister of Labour and Small and Micro Enterprise Development, Member for Moruga/Tableland. [*Desk thumping*]

### **Labour Day Greetings**

**The Minister of National Diversity and Social Integration and Acting Minister of Labour and Small and Micro Enterprise Development (Hon. Clifton De Coteau):** Mr. Speaker, and Members, it is my profound pleasure to really convey best wishes to all the unions and all the labour leaders in Trinidad and Tobago. I know they would be assembling to celebrate and I know that while some opposed to the Government may say yes, it is a good time to bash the Government, I say yes, labour leaders assemble and celebrate. Because when you consider that this administration has resolved 66 out of 75 disputes—

**Hon. Member:** Yeah man!

**Hon. C. De Coteau:**—[*Desk thumping*] for the period 2008 to 2010, it is indeed a time for them to go, reflect and celebrate. [*Desk thumping*]

**Hon. Members:** Yes!

**Hon. C. De Coteau:** When you consider that it was at a cost of \$1.8 billion, it is indeed a time to reflect and celebrate. [*Desk thumping*] When you consider that as a Government, we continue to encourage social dialogue, it is indeed a time for them to assemble and celebrate. [*Desk thumping*] When you consider that they have been asking the previous administration for many years, and as an administration we were able to move the minimum wage from \$9.00 to \$12.50, [*Desk thumping*] it is indeed a time to celebrate. It is indeed a time to reflect on the sweat of Uriah “Buzz” Butler, Adrian Cola Rienzi—

**Hon. Member:** George Weekes.

**Hon. C. De Coteau:**—and you know having just finished Nelson Island, and I looked down there and I saw where they incarcerated—excuse me, Port of Spain South, I have tremendous respect for you.

**Mr. Speaker:** Continue, Member.

**Hon. C. De Coteau:** Yes, I looked where they incarcerated those men; it is indeed a time for even my colleagues on the other side to reflect—

**Hon. Member:** “They should take dem to Nelson Island.”

**Hon. C. De Coteau:**—and celebrate that the sweat of those leaders today—  
[*Inaudible*]

**Hon. Member:** See what they did to Butler.

**Hon. C. De Coteau:** It is indeed a time to celebrate when they go out and they think about us changing the Industrial Relations Advisory Committee and reviving it after many years; it is indeed a time to celebrate.

**Hon. Member:** Jailed Butler!

**Hon. C. De Coteau:** Mr. Speaker, we on this side, the Government, we will continue to champion the cause of labour. It is manifest that we have a prominent labour leader who has laboured in the field as the Minister of Labour, Small and Micro Enterprise Development, and I am proud to be acting for him today, and I say—

**Miss Mc Donald:** Go down Rienzi.

**Hon. C. De Coteau:**—I can go down Rienzi Ma'am, they are my friends. And I would want to say—[*Crosstalk*]

**Mr. Speaker:** Please! Please! Please! Please, Members!

**Hon. C. De Coteau:** I can assure them I will go and we will not be slapped. [*Desk thumping and laughter*] So indeed it is a time to celebrate, and I want to congratulate all those people. I mean, I came out from TTUTA—

**Hon. Member:** Slap-free zone.

**Hon. C. De Coteau:**—where I worked with them, and I would encourage all those who labour—

**Hon. Member:** Slap-free zone.

**Hon. C. De Coteau:**—to be down there [*Crosstalk*] and it is a commitment to social dialogue and it is an opportunity to do that on the 19<sup>th</sup>.

I want to congratulate them. Thank you. [*Desk thumping*]

**Mr. Speaker:** The hon. Member for Diego Martin North/East. [*Desk thumping and crosstalk*]

**Miss Mc Donald:** “Ahhh!” We are not the bad ones. [*Crosstalk*] “Not one ah all yuh could go down there.”

**Mr. Speaker:** Please, please, Member for Port of Spain South.

**Mr. Colm Imbert** (*Diego Martin North/East*): Thank you, Mr. Speaker, it gives me great pleasure to bring greetings from the People's National Movement to the trade union movement on the occasion of Labour Day, 2013. [*Crosstalk*]

**Mr. Speaker:** Member for Port of Spain South, do I have to ask you to leave the Chamber? Continue, hon. Member. [*Crosstalk*]

**Mr. C. Imbert:** I will try. [*Laughter*] Mr. Speaker, I would not politicize my words of greetings, encouragement and congratulations to the labour movement— [*Desk thumping*] because the event that is being celebrated on the 19<sup>th</sup> is a celebration of the achievements of workers and of the labour movement as a whole. It takes its origins International Workers' Day which took its birth from a protest in the United States over 100 years ago, when workers were protesting the refusal of authorities to allow the eight-hour day.

So, for those opposite who may not be entirely familiar with the origins of Labour Day, they— [*Crosstalk and laughter*] There was a tremendous struggle, and you will know, Mr. Speaker, having been a labour leader— [*Laughter*] there was a tremendous struggle among workers against their employers, for an eight-hour day on the principle that a day is separated into eight hours work, eight hours recreation and eight hours rest.

Many years ago, as you will know, Mr. Speaker, workers would work six days a week, would work more than eight hours a day, under very inhumane circumstances, and over the effluxion of time, there were many struggles by labour leaders and workers, not just in Trinidad and Tobago, but all over the world, for the reinforcement of the principle of an eight-hour day, and that is the genesis and the birth of the International Labour Movement, and from that flows all of the achievements of trade unions, trade union members and workers over the last 150 years.

I can speak about this because at another time I was the General Secretary of the West Indies Group of University Lecturers, wake up! [*Desk thumping and laughter*] And I have been involved in a number of protests and occasions of industrial action, Mr. Speaker.

**Miss Mc Donald:** Yes!

**Mr. C. Imbert:** So I have some knowledge about the trade union movement—

**Miss Mc Donald:** You are no novice— [*Inaudible*]

**Mr. C. Imbert:**—having been an executive of a trade union.

**Mr. Roberts:** “Dey disown you now.”

*Labour Day Greetings*

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**Mr. C. Imbert:** But I would simply like to say, Mr. Speaker, that the trade union movement has our unqualified support; our heartiest congratulations. [*Desk thumping*] We wish them well, and for myself—

**Hon. Member:** With a straight face?

**Mr. C. Imbert:**—I wish for peace in the trade union movement and unity of all our brethren—[*Desk thumping and laughter*]—in all of the collective associations.

I thank you, Mr. Speaker. [*Continuous desk thumping, laughter and crosstalk*]

**Mr. Speaker:** All right, okay. All right, Members! Members! Members!

Members of this honourable House, I wish to join the Government as well as the Opposition, as we collectively celebrate the very important occasion of June 19, 2013, which would represent roughly around 76 years since the major social and political uprising of the labour movement led by Tubal Uriah “Buzz” Butler, Adrian Cola Rienzi and a number of patriots which resulted in, not only constitutional changes, but major social advances on behalf of the ordinary working people and working class of our country at that time. Labour has come a long way since 1937, made many tremendous strides in advancing both the living and working conditions of vast numbers of ordinary people in our land and our nation.

I would like on behalf of the Parliament to extend to the entire labour movement and fraternity, warmest greetings as we celebrate collectively as a nation. And as we speak about nation state, we have to recognize that the trade union movement has been, and continues to play a very significant role in the advancement, promotion and even sustenance of our democracy in the Republic of T & T.

So I would like to extend warmest greetings to the entire labour movement as they celebrate, and as the nation celebrates, the 76th anniversary of the 1937 uprising in our country and as we celebrate Labour Day, June 19, 2013.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 4.28 p.m.*