

**HOUSE OF REPRESENTATIVES***Wednesday, July 03, 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. Clifton De Coteau, Member of Parliament for Moruga/Tableland, who is currently out of the country and has asked to be excused from sittings of the House during the period June 29 to July 06, 2013. The leave which the Member seeks is granted.

**PAPERS LAID**

1. Financial Statements for the National Maintenance Training and Security Company Limited for the year ended December 31, 2012. [*The Minister of State in the Ministry of Finance and the Economy (Hon. Rudranath Indarsingh)*]
2. Annual Audited Financial Statements of the National Gas Company of Trinidad and Tobago Limited for the year ended December 31, 2012. [*Hon. R. Indarsingh*]
3. Financial Statements of Government Human Resource Services Company Limited for the financial year ended September 30, 2012. [*Hon. R. Indarsingh*]  
*Papers 1 to 3 to be referred to the Public Accounts (Enterprises) Committee.*

**SELECT COMMITTEE REPORTS****Ministries, Statutory Authorities and State Enterprises  
(Presentation)**

**Miss Alicia Hospedales (Arouca/Maloney):** Thank you Mr. Speaker. Mr. Speaker, I wish to present the following report:

Tenth Report of the Joint Select Committee established to enquire into and report to Parliament on Ministries (Group 2) and on the Statutory Authorities and State Enterprises on the Government Assistance for Tuition Expenses (GATE) Programme.

Mr. Speaker, the members of the committee include Mr. Clifton De Coteau MP; Dr. Lincoln Douglas MP; Dr. Tim Gopeesingh MP; Mr. Fitzgerald Jeffrey MP; Mr. Collin Partap MP; and myself. Thank you.

### **Committee of Privileges**

**The Minister of Housing, Land and Marine Affairs (Hon. Dr. Roodal Moonilal):** Mr. Speaker, I wish to present the following report:

First Report of the Committee of Privileges of the House of Representatives, Third Session (2012/2013), Tenth Parliament, Republic of Trinidad and Tobago.

### **Municipal Corporations and Service Commissions**

**The Minister of State in the Ministry of the People and Social Development (Hon. Vernella Alleyne-Toppin):** Mr. Speaker, I wish to present the following report:

Ninth Report of the Joint Select Committee appointed to enquire into and report to Parliament on Municipal Corporations and Service Commissions (with the exception of the Judicial and Legal Service Commission) on a review of the Teaching Service Commission.

### **Holy Name Convent Past Pupils' Association (Inc'n) Bill, 2013**

**Mrs. Nela Khan (Princes Town):** Mr. Speaker, I wish to present the following report:

Report of the Special Select Committee of the House of Representatives appointed to consider and report on a private Bill for the incorporation of the Holy Name Convent Past Pupils' Association and for matters incidental thereto.

### **Insurance Bill, 2013**

**The Minister of Tourism (Hon. Stephen Cadiz):** Mr. Speaker, I wish to present the following report:

Report of the Joint Select Committee established to consider and report on the Insurance Bill, 2013.

**ORAL ANSWERS TO QUESTIONS**

**The Minister of Housing, Land and Marine Affairs (Hon. Dr. Roodal Moonilal):** Mr. Speaker, I beg to move that the two questions on the Order Paper be deferred for two weeks.

*The following questions stood on the Order Paper:*

**Rehabilitation Works in La Brea Constituency**

- 45.** Could the Minister of Works and Infrastructure 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. [*Mr. F. Jeffrey*]

**Wrecked Fire Tender  
(Details of)**

- 52.** With respect to the fire tender which was involved in an accident in Blanchisseuse in November 2012, could the hon. Minister of National Security state:
- a) What was the exact date and approximate time of the accident?
  - b) When was the tender bought and at what price?
  - c) What was the book value of the tender at the time of the accident?
  - d) What is the total cost associated with the recovery of the wreck?
  - e) What payment has been made to the contractor to date and how much is outstanding?

- f) What was the approval process involved in authorizing the payment?
- g) Who authorized and effected the payment?
- h) Under which Head and Sub-Head were payments made? [*Miss D. Cox*]

*Questions, by leave, deferred.*

**SUGAR INDUSTRY CONTROL BOARD (REPEAL)  
(VALIDATION) BILL, 2013  
[Second Day]**

*Order read for resuming adjourned debate on question [May 17, 2013]:*

That the Bill be now read a second time.

*Question again proposed.*

**Mr. Speaker:** On the last occasion, the Minister of State in the Ministry of Finance and the Economy had begun his winding up and has 26 minutes of original speaking time remaining.

**Hon. R. Indarsingh:** Thank you, Mr. Speaker. During the winding up at the point in time when the House was in sitting, I had indicated a number of reasons why the Sugar Industry Board was established and why we are here in this Parliament seeking to bring closure on this matter, in the context of where we are today in the sugar industry of Trinidad and Tobago. There were some of those on the other side; I think all of those on the other side, who were engaged in attempting to put the record straight and set the record straight from an historical perspective, as it relates to the sugar industry of Trinidad and Tobago and I took the opportunity, really to redirect some of them, refocus some of them, and rewrite the history in the context of what was presented by the People's National Movement, and correct the history, in terms of what was presented by the People's National Movement, as it relates to this particular issue.

It is known, for a fact, that the decision to dissolve the Sugar Industry Control Board was taken in 1987. This was justified on the grounds that since its establishment in 1966, a number of changes had occurred in the sugar industry, with regard to the ownership structure of the industry. Also, sugar companies had changed from being privately owned to state owned and this really negated the need, really, for the functions which were performed by the Sugar Industry Control Board.

Mr. Speaker, the primary role and function, really, of this board, as I said previously, was to govern that relationship between the cane-farming sector and the manufacturing companies at that time, which were in private hands and then they moved to Caroni (1975) Limited. When Caroni (1975) Limited was wound up, well, was closed by the PNM there was the establishment of the Sugar manufacturing—[*Interruption*] the PNM.

The Member for Diego Martin North/East wanted this particular debate to be dealt with in three minutes, simply because he did not want the citizens of Trinidad and Tobago to be reminded of the sins of the PNM, the atrocities of the PNM, as it relates to the sugar industry of Trinidad and Tobago, in terms of what existed and what they did at Caroni (1975) Limited and the successive companies they established.

The Sugar Manufacturing Company Limited, they cannot present any track record of success, as it relates to that particular entity. The rum distillers of Trinidad and Tobago, they are yet to account to the population of Trinidad and Tobago what they did with the assets which existed at this particular entity and also the assets which existed at the Field Engineering Departments of Caroni (1975) Limited and where certain field engineering equipment, be they tractors and bulldozers and excavators, and so on, where they ended up, and also what happened to the citrus entities of Caroni (1975) Limited, in terms of La Gloria, in terms of Todd's Road.

This is a Government, really, we must take into close consideration, they have really had no sense of association with the growth of the agricultural sector in Trinidad and Tobago, because in my years of existence, I cannot, at any point in time, remember—[*Interruption*]

**Mr. Imbert:** Any point in time.

**Hon. R. Indarsingh:**—any point in time remember if, during their tenure, whether it was 1956—1986 and beyond, any point in time, the agricultural sector recorded any rate of positive growth and I could say without contradicting myself, that under the People's Partnership Government, the agricultural sector of Trinidad and Tobago has grown by 2.7 per cent, Mr. Speaker. [*Desk thumping*]

**Dr. Gopeesingh:** From a negative thing under PNM.

**Hon. R. Indarsingh:** Well, it never grew. It never grew from 1956—1986. My colleague from Caroni East simply wanted me to reinforce that point and when they regained power, for nine years it remained a negative growth and in

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less than three years we have been able to ensure that there is positive growth, as it relates to the agricultural sector in Trinidad and Tobago.

**1.45 p.m.**

So, Mr. Speaker, in that context, as I said, within six months of the commencement of this Act, the Divestment Secretariat of the Ministry of Finance and the Economy will ensure that the relevant—when it is successfully passed, we will ensure that the relevant administrative systems are completed to ensure that this particular entity is wound up in terms of the purpose of this piece of legislation.

With these few words, Mr. Speaker, I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*House in committee.*

*Clauses 1 to 5 ordered to stand part of the Bill.*

*Preamble approved.*

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

*House resumed.*

*Bill reported, without amendment.*

*Question put:* That the Bill be now read a third time.

**Mr. Speaker:** Hon. Members, this Bill requires a three-fifths special majority and a division is therefore required.

*The House voted:* Ayes 37

AYES

Moonilal, Hon. Dr. R.

Persad-Bissessar, Hon. K.

Dookeran, Hon. W.

McLeod, Hon. E.

Sharma, Hon. C.

Ramadhar, Hon. P.

Gopeesingh, Hon. Dr. T.

Peters, Hon. W.  
Rambachan, Hon. Dr. S.  
Seepersad-Bachan, Hon. C.  
Khan, Mrs. N.  
Roberts, Hon. A.  
Cadiz, Hon. S.  
Baksh, Hon. N.  
Griffith, Hon. Dr. R.  
Baker, Hon. Dr. D.  
Ramadharsingh, Hon. Dr. G.  
Khan, Hon. Dr. F.  
Douglas, Hon. Dr. L.  
Indarsingh, Hon. R.  
Samuel, Hon. R.  
Roopnarine, Hon. S.  
Ramdial, Hon. R.  
Alleyne-Toppin, Hon. V.  
Seemungal, Hon. J.  
Partap, C.  
Mc Donald, Miss M.  
Rowley, Dr. K.  
Cox, Miss D.  
Hypolite, N.  
Mc Intosh, Mrs. P.  
Imbert, C.  
Jeffrey, F.  
Thomas, Mrs. J.  
Hospedales, Miss A.  
Gopee-Scoon, Mrs. P.  
Volney, H.

*Question agreed to.*

*Bill accordingly read the third time and passed.*

**ANTI-DOPING IN SPORT BILL, 2013****Senate Amendments**

**Mr. Speaker:** The hon. Minister of Sport.

**The Minister of Sport (Hon. Anil Roberts):** Mr. Speaker, I beg to move:

That the Senate amendments to the Anti-Doping in Sport Bill, 2013 listed in the Appendix to the Order Paper be now considered.

*Question proposed.*

*Question put and agreed to.*

**Mr. Speaker:** Before the Clerk begins, may I seek your approval to take these clauses in groups of five. There are 15 clauses and, with your approval, we will deal with them in groups of five. Do I have your approval?

*Assent indicated.*

*Senate amendments read as follows:*

*Clause 4.*

- A. Insert in the appropriate alphabetical sequence the following definition:  
“doping” means any violation of the Anti-Doping Rules;”.
- B. In the definition of “event”, delete the word “means” and substitute the word “includes”.
- C. In the definition of “national-level athlete”, delete the word “TTADO” where it occurs in the second instance and substitute the words “that country”.

*Clause 8.*

- (2) A. Insert after the word “Minister,” the words “in consultation with the relevant professional bodies,”.
- B. In paragraph (i) delete the word “and”.
- C. Renumber paragraph (j) as (k).
- D. Insert after paragraph (i) the following new paragraph:  
“(j) a person nominated by the Tobago House of Assembly with sporting experience; and”.



(3) Delete the word “President” and substitute the word “Minister”.

(4) Delete the word “President” and substitute the word “Minister”.

*Clause 9.*

(2) Insert after the words “Secretary and” the word “either”.

**Hon. Roberts:** Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the amendments to clauses 4, 8 and 9

Mr. Speaker, in clause 4, the Senate believed that we needed to define the Anti-Doping Rules and that was the need for that definition.

In clause 8(2), the Senate believed that as much consultation as possible should go into the decision-making process and the Government agreed with the Senators, both Opposition and Independent, and in 8(2)D, it was very important that the Tobago House of Assembly, in their own judgment and call, make a nomination to be represented on the Board of TTADO.

As you know, Tobago is doing extremely well in sport, especially track and field, football, lawn tennis and so on. A number of our members from the Olympic team come from Tobago, so the Government was clearly amenable to the suggestion that the Tobago House of Assembly would nominate a member. The Senate believes that the President should not be bogged down with the terms and conditions; that that should be through the Cabinet and the normal procedures, through the CPO and so on; and also, with the gazetting to not burden the President with that, but go through the normal recourse.

Basically, those were the amendments. We went through a long, detailed, arduous committee stage and we bring these amendments to this honourable House and with that, these three, I beg to move.

*Question proposed.*

*Question put and agreed to.*

**2.00 p.m.**

*Senate amendments read as follows:*

*Clause 10.*

Delete the clause and substitute the following:

10. The Board shall make arrangements for—

- (a) the supervision of the administrative operations of TTADO;
- (b) ensuring that correct protocols are followed in the process of securing samples;
- (c) ensuring that the rights of everyone involved in the doping control procedures are respected;
- (d) ensuring that TTADO receives and manages funds in a prudent manner; and
- (e) undertaking anything incidental or conducive to the performance of any of the foregoing functions.

*Clause 11.*

- 11(1) Delete the words “the Chairman deems”.

*Clause 17.*

- 17(1) A. Insert after the word “comprising” the words “at least”.  
 B. Insert after the word “three” the words “, but not more than five,”.
- 17(4) Insert after the word “WADA” the words “and the athlete”.

*Clause 18.*

- 18(4) Delete the word “30” and substitute the word “33”.

*Clause 19.*

- 19(3) A In paragraph (b), insert after the word “Panel” the words  
 “and notify the athlete of such referral; and”.
- B. In paragraph (c), delete the word “and”.
- C. Delete paragraph (d).

*Clause 21.*

Delete the words “An athlete shall not” and substitute the words “It shall be an anti-doping rule violation for an athlete to”.

**Mr. Roberts:** Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the amendments to clauses 10, 11—

**Mr. Speaker:** —17, 18 19.

**Mr. Roberts:** Clauses 10, 11, 17, 18, 19 and 21. Mr. Speaker, the hon. Senators believe that we should have defined the arrangements for the Board. They thought that some of the definitions and supervisory roles were not specific enough and, therefore, they went through in detail to list between clause 10(a) to (e) the specific roles and functions of the board and that caused that amendment.

The others were just in tidying up the language to be quite clear. In clause 19(3), it was very important, the protocol withholding a sample and the notification process. The Senate believed that we had to define it more clearly with guidelines as to when, where and how a positive will be recorded and notified under secrecy and so on. As you know, there is the A sample and the B sample, so that was clarified with amendments to clauses 19(3) and 21. So with that, Mr. Speaker, I beg to move.

*Question proposed.*

**Mr. Roberts:** Mr. Speaker, I beg to move.

**Mr. Speaker:** No, please, I have to determine if other Members would like to speak.

**Mr. Roberts:** Laventille West.

**Mr. Speaker:** If other Members are not, hon. Minister of Sport.

**Mr. Roberts:** Thank you, Mr. Speaker. I beg to move.

*Question put and agreed to.*

*Senate amendments read as follows:*

*Clause 23.*

- 23(4) A. In the chapeau delete the word “An” and substitute the words “Subject to the Anti-Doping Rules, an”.
- B. In paragraph (a), insert after the word “Government” the words “upon recommendation from TTADO”.

*Clause 24.*

- 24(2) Insert after the word “may” the words “, with the written consent of the athlete,”.

*Clause 28.*

- 28(1) In paragraph (a), delete the word “five” and substitute the word “seven”.

*Clause 30.*

- 30(3) In paragraph (b), delete the words “the other” and substitute the words “any other”.

*Clause 32.*

- A. In subclause (1) (a), delete the word “in” and substitute the word “of”.
- B. In subclause (5), delete the words “the Vice-Chairman” and substitute the words “a Vice-Chairman”.
- C. Insert after subclause (9), the following new subclause:  
 “(10) Three members shall form a quorum for the Appeal Panel.”

*Clause 35.*

- A. Delete subsection (1) and substitute the following:  
 “(1) In any matter in relation to which he is required to make or participate in the making of a decision, a person exercising a function under this Act shall declare any direct or indirect interest that he has, or ought to reasonably know that he has, and shall cease to participate in the decision-making process.”.
- B. In subclause (2), delete the word “contravene” and substitute the words “fails to make a declaration in accordance with”.

**Mr. Roberts:** Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the amendments to clause 23(4), clause 24(2), clause 28(1), clause 30(3), clause 32 and clause 35.

Mr. Speaker, in these clauses it must be noted that in the fight to provide and to promote safe sport without doping, clean sport, research and science are absolutely necessary. However, the consent of athletes when utilizing their DNA and their special samples is required. Here in Trinidad and Tobago, the Ministry of Sport and all the organizations will try to encourage and educate our athletes that being willing to assist and allow scientists to utilize their samples to create and develop better tests will enhance the overall global fight against doping in sport and, thus, you have clause 24(2), but it must be clearly noted that the permission must be specifically granted. Some of the issues brought up by the honourable Opposition dealt with the preservation of samples and that samples will not be used for any other purpose other than what they were given for. So in this case, the Senate believed that the written approval must be given.

Mr. Speaker, with those few words, I beg to move.

*Question proposed.*

**Mr. Speaker:** Any contributions? The hon. Minister of Sport.

**Mr. Roberts:** Mr. Speaker, I beg to move.

*Question put and agreed to.*

**Dr. Moonilal:** Mr. Speaker, I wish to move that the amendments received from the Senate be subject to a vote.

**Mr. Speaker:** Hon. Members, the question is that the amendments that we have just agreed to be subject to a vote. All in favour of the amendments which I can, just for the record, outline to this honourable House that came from the Senate, that is, amendments to clauses 4, 8, 9, 10, 11, 17, 18, 19, 21, 23, 24, 28, 30, 32 and 35.

**Dr. Moonilal:** Division.

**Mr. Speaker:** A division is called for.

*Question put.*

*The House voted: Ayes 37*

AYES

Moonilal, Hon. Dr. R.

Persad-Bissessar, Hon. K.

Dookeran, Hon. W.

Mc Leod, Hon. E.

Sharma, Hon. C.

Ramadhar, Hon. P.

Gopeesingh, Hon. Dr. T.

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Khan, Miss N.  
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Seemungal, Hon. J.  
Partap, C.  
Mc Donald, Miss M.  
Rowley, Dr. K.  
Cox, Miss D.  
Hypolite, N.  
Mc Intosh, Mrs. P.  
Imbert, C.  
Jeffrey, F.  
Thomas, Mrs. J.  
Hospedales, Miss A.  
Gopee-Scoon, Mrs. P.  
Volney, H.  
*Question agreed to.*

**DOG CONTROL BILL, 2013**

[Third Day]

*Order read for resuming adjourned debate on question [June 17, 2013]:*

That the Bill be now read a second time.

*Question again proposed.*

**Mr. Speaker:** Hon. Members, on the last occasion, the Attorney General had begun his winding up and has 14 minutes of original speaking time remaining.

The hon. Attorney General. [*Desk thumping*]

**Sen. The Hon. A. Ramlogan SC:** Thank you very much, Mr. Speaker. On the last occasion I had made substantial progress with the reply to this very important Bill, and I had pointed out the social importance of the topic of dangerous dogs by highlighting that, on the Internet, a simple search in less than three seconds would generate for dangerous dogs 59.2 million hits. For dogs alone it would have generated 978 million, so that the topic of dogs is a very emotional and passionate one throughout the world.

**2.15 p.m.**

I have had the benefit of illuminating contributions from both sides in this honourable House, and I have had the opportunity to converse with my learned friend, Member for Diego Martin North/East, and listen to the responses from the public on the Bill and the debate. As a result of which a number of amendments are proposed, which I think will go a long way towards engendering support.

In clause 4 of the Bill, we have redefined, we have changed the definition and it will now read “assistance dog”. That is actually a change that will allow us to include one or two other areas. Apart from just limiting it to the visually impaired and a guide dog, it will be now expanded to include, “a dog which has been trained to assist a deaf person, a dog which has been trained to assist a disabled person”, because there were some comments from some of the NGOs, and the disabled groups in our society that said that the use of the dog is not just simply limited to visually impaired but, in fact, extends to other areas as well. So we have changed “guide dog” and we have now termed it “assistance dog”, and we have broadened the definition to satisfy that concern.

We have deleted clause 4(9), which read:

“For the purposes of this Act, a class B dog shall be regarded as dangerously out of control on any occasion on which there are grounds for reasonable apprehension that it will injure any person whether or not it actually does so.”

And the reason for that is that the animal rights groups felt that the class B dog, if you treated it in such a manner it could lead to a lot of subjectivity; some people are naturally in fear of dogs, and it might open up the floodgate too wide.

Instead what we have done is to amend and expand the definition of “reasonable cause”, so that would provide a defence for persons who are owners of class A or class B dogs, whenever there is an attack. So, the expanded definition will now include, “where the person attacked was committing an offence for which the penalty is a term of imprisonment”.

So if your dog basically attacks an intruder, or someone who is attempting to break and enter your premises, then you are not liable. A person who is attacked who was trespassing—it was felt, I think the Member for Diego Martin North/East had made the point, that the concept of trespassing is one that should be very clear so that citizens will know that if your dog attacks a trespasser, someone who is unlawfully trespassing on your property, you will not in fact be held liable, provided you have the fence requirements, and so on.

Where the dog is being used for a lawful purpose, in the service of a person, the State, or a police constable, where the dog is provoked into an attack by another person or the dog is being attacked by an animal, or where the dog is demonstrating its ability in training and so on, those remain.

Now, in clause 5, where we had prohibited dogs from entering restaurants and places where food and beverage is consumed and so on, we have now made the consequential amendments so that unless the dog is an assistance dog, or the dog is being used to protect the premises mentioned in (a) to (d). The reason for that, it is obvious in the case of an assistance dog because the dog would need to enter the premises with the person it is assisting.

But in terms of the “protect the premises” mentioned, it was pointed out that if you prohibit dogs from entering a mall, for example, in some of the car parks, the security may very well be using a dog to protect the cars and so on, and to regulate the human flow of traffic in the mall. So that unless it is being used to protect the premises, there is an exception we thought we will pay some attention to, because you say, “enter the mall”, and some people could argue that the car



park forms part of the mall, so it is entering the mall the minute you enter the car park for the mall itself.

Now, in clause 5(3)(b):

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

No owner should do that. And we pause for reflection on this, because there was a bit of an outcry on that because people want to encourage their dog to be a little aggressive, and to be able to have the effect of intimidating someone. That is the whole point in having a dog to protect life, limb and property in this country. So to criminalize it or to prohibit it by law would have, you know, the reverse effect, and undermine the intention of dog owners.

So what we thought is that we will add on the following words, and this was a compromise the Member for Diego Martin North/East and I had arrived at on the last occasion; it would be “to encourage the dog to be aggressive or to intimidate a person to facilitate the commission of a crime”. So that if, for example, someone is using a dog to hold you at bay, as it were, so that they could commit a crime, well then that would be the offence, but to encourage your dog to be a little aggressive or to intimidate someone, you know, that is not going to be criminalized. And we have changed as well to:

“permit the dog or to incite”.

In (c), the old version was to:

“permit the dog to attack a person without reasonable cause.”

We have now included to:

“permit or incite the dog to attack a person without reasonable cause.”

Now, in subclause (5), the Member for Diego Martin North/East had made the point during his contribution, that a person who contravenes subclause (3) committed an offence and they were liable to imprisonment, but there was no option for a fine. So, I have taken the point on board and we have now included a fine, and we retained the imprisonment term, so that you have the option of the fine available in the sentencing discretion of the judge.

Now, I saw, the day after the debate started, Mr. Speaker, one of the animal welfare activists in this country, Ms. Kuruvilla was on television and she made a very valid point. She said, “Although the Bill was focusing on the dangerous dogs, there was nothing in the Bill to at least direct Parliament’s attention and that of the population to the welfare of the animal”. And I thought that was a very

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valid point—[*Desk thumping*—and it is in light of that point made by Ms. Kuruvilla, in the aftermath of the debate, that I have now inserted a clause 5A. Clause 5A will impose a duty of care or some responsibility on owners for the dogs; and it says:

“Every person who keeps a dog shall provide the dog or cause it to be provided with adequate and appropriate care, food, water, shelter, exercise, attention and veterinary care as may be required to meet the needs of the dog.”

That is a general duty of care that would apply to all dogs and all dog owners, and we think it is an important mission statement, as it were, to have included and incorporated into the Bill, and it gives it a more humane touch that will satisfy, no doubt, the animal welfare activists in our country.

In clause 6, there was a concern voiced, I think by the Member for Arouca/Maloney during her contribution, that the three-month period for registration might be too short, and I have decided in keeping with that point to double it, and we will say now, “within six months”. So, I am thankful to the Member for Arouca/Maloney.

In clause 6(4), we have included—it was felt that when a dog is registered, after the dog is registered what if you change residence. There was nothing in the law to treat with that, and what we have done now is to insert clause 6(4), to say that, basically, if you change residence you must notify the new municipal authority, and you must inform the local authority of your change in residence and the information, so it can now be put on the relevant database in the relevant municipal authority.

In clause 7, in terms of licensing, a concern was expressed—I think by the Member for Port of Spain North/St. Ann’s West—that three months might be too short a time, so we have now doubled that to provide for:

“No person shall own a class A dog unless that person, within six months of the coming into force of the Act, applies for and obtains a licence...”

The reason I acceded to that point made by the Member for Port of Spain North/St. Ann’s West, is because the administration of the Act will take some time once it is proclaimed and, perhaps, to deal with the avalanche that will cascade down upon the local authorities, it was felt prudent that give it six months so that the administrative bureaucracy will be able to respond to process the applications in a timely fashion and, hence, the reason for six months.

We have included, of course, as a requirement to deal with the point made by the Member for Diego Martin North/East and other speakers, the fact that some criminals use the bad dog, the dangerous dog as a badge of honour, and as a symbol of prosperity and “badjohnism”. So we have now created an additional requirement that you must produce a police certificate of good character before you can get a licence to own a class A dog. That will weed out the criminal elements; and a vet must now give a certificate to certify that the dog is a class A dog.

We have also included, consistent with looking after the welfare of the animal, that the person who is applying for the dog licence must satisfy the local authority that he is able to adequately and appropriately care for the dog. That is because the animal welfare and rights activists in the country have pointed out that some persons, they buy these dogs and they chain them to the gatepost and they leave them there without food, or water, or shelter.

**Hon. Member:** That is right.

**Sen. The Hon. A. Ramlogan SC:** And they ill-treat them, and animal cruelty is something we must also look at. So, we have said that you must satisfy us that you can adequately and appropriately care for the animal.

**Mrs. Gopee-Scoon:** What are the consequences?

**Sen. The Hon. A. Ramlogan SC:** If not, you would not get the licence, and you would be guilty of a criminal offence.

In clause 7, we have inserted a new subclause (17), and that is consistent with the other changes with respect to notification if there is a change in residence, and to make it an offence for a vet, any veterinary surgeon, who issues a certificate and deliberately and wilfully gives a false certificate to a dog to say it is a class B, or a non-dangerous dog, knowing that it is in fact a dangerous dog, they would be guilty of a criminal offence and liable on summary conviction to a fine of \$50,000.

We have removed those provisions where the burden of proof was reversed in the law to put the burden of proof on the dog owner as opposed to the State and, therefore, clause 9(7) has been deleted. So, that where you are charged, the burden will remain on the State and the prosecutorial arm of the State, to in fact prove its case in accordance with the normal criminal law and procedure.

In clause 10, we have changed the \$50,000 and one year to now make it \$100,000 and three years, because this deals with illegally keeping a class A dog

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without a licence. So it goes to the very pit and substance of the Act, and we thought that we should have a heavier penalty at that stage. That is if you keep a dangerous dog without even bothering to get the licence, or you do not in fact have one.

I then go to clause 14(4), where we have inserted the words, “without reasonable cause”. So that if the owner or keeper of a class A dog without reasonable cause allows it to enter private premises, where it is not permitted, et cetera, et cetera, we put in the concept of reasonable cause to give you a defence. So if, for example, you see a neighbour’s property being burgled or a crime is being committed there, and you go to the assistance of your neighbour, and you go with the dog to give some assistance, it may very well be that that is a reasonable cause and you will not be so liable.

I take you to clause 19, where again, to deal with injury or death by a class A dog, we have put now:

“Where a class A dog injures a person, without reasonable cause whether in a public place or on private premises...”

We have included reasonable cause in subsection (2) and, of course, in clause 19(3):

“Where a class A dog injures a person”—or—“kills a person...”

The point made by the Member for Diego Martin North/East that it spoke only to death, but it did not speak to injury of a person, so we have now dealt with that in 19(3).

In the new 20(1), which is redrafted, we have now expanded it a little:

“A person who, without reasonable cause, incites a dog to attack another person causing grievous bodily harm or resulting in death, commits an offence and is liable”—to \$50,000 and two years imprisonment.

And the point there was made that you ought really to focus on the more serious type of offence, which is grievous bodily harm, or death, by virtue of the attack.

In clause 26, we have now included a provision to allow the Minister to amend the order, and the reason for that is because many Members, during the course of their contributions made the point that people will simply now move from pitbull to some other form of dog, or they will come up with some new breed, using the gene from the pitbull. And to cater for all of that, rather than to come back to Parliament to have an amendment, we will give the Minister the

power as part of the subsidiary legislation to simply amend and add dogs as it becomes necessary, if that becomes a problem.

In terms of the Minister—and the order will be subject to the negative resolution of Parliament—in terms of the ability to make regulations in clause 28, we have included a power to make regulations for the conditions for the care and control of the dog to, again, deal with the welfare and the interest of the animal.

In the Schedule, you will recall, Mr. Speaker, we had the pitbull, the Fila Brasileiro and the Japanese Tosa; we have now included a fourth dog, which is the Dogo Argentino. And for this, I would like to give credit to someone who made written submissions to the Law Reform Commission, Miss Kristel-Marie Ramnath, who made very penetrating and incisive comments—

**Hon. Member:** Psychologist. A dog psychologist.

**Sen. The Hon. A. Ramlogan SC:** A dog psychologist is it?

**Hon. Member:** Yes.

**Sen. The Hon. A. Ramlogan SC:** A dog psychologist who took great care to make a very detailed submission, which I personally found quite helpful and useful, and I would like to record in the *Hansard* my gratitude to Miss Ramnath for taking time out to make those submissions to us, as a result of which, some of the points she made informed the amendments.

**2.30 p.m.**

Mr. Speaker, there are regulations to be made and some of the other points made will, in fact, be addressed in the course of the making of the regulations. I want to make the point that we have in fact abolished the scienter principle for all dogs, and that is because people are asking the question: What if a non-dangerous dog, a class B dog attacks someone? Whilst it would not be prudent for us to criminalize that situation, if a class B dog attacks someone the person should have the right to be able to sue, in the ordinary course, for negligence, and what we have done is to remove the principle of scienter so that you will be able to sue and you will be able to get civil compensation but there will be no criminal liability.

The scienter principle, you may recall, Mr. Speaker, had to do with unless you could prove that the dog had a demonstrated propensity by virtue of prior attacks to in fact attack, then you could not win your case. We have removed that so that if the dog attacks and there is negligence, you will be able to sue and that will be your remedy if a class B dog attacks you. [*Interruption*]

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Mind you, if a class A dog attacks you, a pitbull for example, not only will you be able to get the \$250,000 insurance, but depending on the nature and extent of the injuries—because one operation could gobble up that—you will also be able, in accordance with that principle, to sue at common law and you will get—if you get damages in excess of \$250,000, you will be able to claim that as against the dog owner—[*Interruption*]

**Dr. Gopeesingh:** And not the insurer.

**Sen. The Hon. A. Ramlogan SC:**—and not the insurer whose ceiling for the limit of liability will be the \$250,000 under the policy.

Mr. Speaker, in terms of making regulations, a number of animal rights activists pointed out that while we have said dogs in public should be on a leash, a man could tie a ribbon around a pitbull's neck and walk him and say, "well, ah complying with the law". So, rather than put that in the legislation, the substantive provisions of the law, we will deal with that in the regulations, the type of leash, the fact that the dog should not simply be on a leash but should wear a body harness so that it will be properly under control, the length of the leash, the materials that the leash and the muzzle are made of, the collar, the size, the durability of the material; all of these points have been made by the animal rights groups in our country and we intend to deal with those matters in the regulations.

We would also deal with the type of the neck collar so that the dog would not suffer unduly as a result of the type of neck collar. So we are having an eye on the prevention of animal cruelty in dealing with this Bill, Mr. Speaker. [*Desk thumping*]

With respect to the issue of where can someone who wishes to relinquish ownership of their dogs, how do you do that, I have consulted my learned colleague, the hon. Member of Parliament for Tabaquite, Dr. Surujrattan Rambachan, and he has indicated that there are the various municipal corporations; they have in fact been preparing to accept dogs. There are three corporations which have operational dog pounds: one in San Fernando, Princes Town and Point Fortin and the hon. Minister is going to look at the capacity there to see how we can increase the capacity to intake the dogs. The TTSPCA, they also have a capacity to hold up to 100 dogs, although some of the space is reserved for boarding dogs when their owners travel, and for adoptions. Animals Alive, an NGO located in Oropouche, they have a capacity to handle over 300 dogs and the Minister will no doubt be speaking with them to deal with the issue of the wanton abandonment and neglect of dogs.

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Mr. Speaker, to those persons who in response to the Bill have simply gone about abandoning their dangerous dogs, I want to make a public appeal to say that that demonstrates the very unfitness and the kind of irresponsibility that this Bill is designed to prevent. I want to make an appeal to them to take them into the relevant dog pounds so that the animals can be cared for rather than to underscore their own unfitness to have owned the animal in the first place, and to vindicate the Government's decision to bring this Bill to treat with those types of owners who do not, in fact, have the level of maturity and responsibility to own a dangerous dog. And, in fact, the owner might pose as great, if not a greater threat, than the dangerous dog itself.

I beg to move and I thank you, Mr. Speaker. [*Desk thumping*]

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*House in committee.*

**Mr. Chairman:** Are you ready?

*Clauses 1 to 3 ordered to stand part of the Bill.*

*Clause 4.*

*Question proposed:* That clause 4 stand part of the Bill.

**Mr. Ramlogan SC:** Mr. Chairman, I ask that clause 4 be amended as follows:

A. In subclause (1)—

(a) insert after the definition of “advertisement” the following definition:

“assistance dog” means—

- (a) a dog which has been trained to guide a blind person;
  - (b) a dog which has been trained to assist a deaf person; or
  - (c) a dog which has been trained to assist a disabled person;”;
- and
- (b) delete the definition of “guide dog”.

B. In subclause (6) delete the words “class A”.

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C. Delete subclause (9) and substitute the following:

“(9) For the purposes of this Act, reasonable cause includes situations where—

- (a) the person attacked was committing an offence for which the penalty could be a term of imprisonment;
- (b) the person attacked was in a place where he was trespassing or was in a place where he was not permitted to be and the place was secured by a fence or wall in accordance with section 9;
- (c) the dog is being used for a lawful purpose by a constable or a person in the service of the State;
- (d) the dog was provoked into an attack by a person other than the person responsible for it;
- (e) the dog was being attacked by another animal; or
- (f) the dog is being trained or is participating in an event in which it demonstrates its ability.”.

*Question put and agreed to.*

*Clause 4, as amended, ordered to stand part of the Bill.*

*Clause 5.*

*Question proposed:* That clause 5 stand part of the Bill.

**Mr. Ramlogan SC:** Mr. Chairman, I beg to move that clause 5 be amended as follows:

- A. In subclause (1) delete the words “unless the dog is a guide dog.” and substitute the words “unless the dog is an assistance dog or the dog is being used to protect the premises mentioned in paragraphs (a) to (d).” .
- B. In subclause (3)—
  - (a) in paragraph (b) insert after the words “a person” the words “to facilitate the commission of a crime”.
  - (b) in paragraph (c) insert after the word “permit” the words “or incite”.
- C. Delete subclause (4) and renumber subclauses (5) and (6) as (4) and (5) respectively.



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- D. In subclause (5) as renumbered, delete the words “imprisonment for one year” and substitute the words “a fine of fifty thousand dollars and to imprisonment for one year”.

*Question put and agreed to.*

*Clause 5, as amended, ordered to stand part of the Bill.*

*Clause 6.*

*Question proposed:* That clause 6 stand part of the Bill.

**Mr. Ramlogan SC:** Mr. Chairman, I beg to move that clause 6 be amended as follows:

- A. In subclause (1) delete the words “three months” and substitute the words “six months”.
- B. Insert after subclause (3) the following:
- “(4) An owner of a class A dog shall notify the local authority of a change of residence and any other change of information on the register.”

*Question put.*

**Mr. Chairman:** I am not hearing.

**Mr. Imbert:** Mr. Chairman, on this clause I just want some clarification. This amendment deals with a change of residence. Could the Attorney General just clarify; if the owner of a class A dog moves and changes his residence, would he be required to have his premises re-inspected at this new location?

**Mr. Ramlogan SC:** Yes.

**Mr. Imbert:** And what clause deals with that?

**Mr. Ramlogan SC:** That would be dealt with in the regulations, but the answer is, yes. When he moves and he notifies the new municipal authority of the change in residence, there will have to be a re-inspection to ensure the fence and so on is up to scratch.

**Mr. Imbert:** Right, but is there a specific clause that deals with the relocation of a dangerous dog?

**Mr. Ramlogan SC:** Well, this is the clause that deals with it and in the regulations we will speak to the revocation of the licence being possible if you

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move to a residence where it is not compliant with all of the preconditions that you satisfied when you got the licence.

**Mr. Imbert:** Can you do that by way of regulations?

**Mr. Ramlogan SC:** Yes, you can, because it is just dealing with the licence being revoked or regulating the conditions upon which the licence had been granted, but in any case, your licence when granted will be granted upon the satisfaction of all of the requirements within the law. If you at any time, even if you do not move residence, violate any of those, you violate the conditions upon which the licence was granted. But I hear you and we will address it most specifically in the regulations.

**Mr. Imbert:** Okay, all right.

**Mr. Ramlogan SC:** Thank you.

*Question agreed to.*

*Clause 6, as amended, ordered to stand part of the Bill.*

*Clause 7.*

*Question proposed:* That clause 7 stand part of the Bill.

**Mr. Ramlogan SC:** Mr. Chairman, I beg to move that clause 7 be amended as follows:

- A. In subclause (1) delete the words “three months” and substitute the words “six months”.
- B. In subclause (5)—
  - (a) in paragraph (a) —
    - (i) at the end of subparagraph (i) delete the word “and” ;
    - (ii) insert after subparagraph (ii) the following:
      - “(iii) a certificate of good character issued by the Commissioner of Police not less than six months prior to the date of the application; and
      - (iv) a certificate issued by a veterinary surgeon certifying that the dog is a class A dog.”;
  - (b) in paragraph (b) delete the word “and” at the end of the paragraph;

- (c) in paragraph (c) delete the full stop at the end of the paragraph and substitute the word “; and”;
- (d) insert after paragraph (c) the following:
  - “(d) has satisfied the local authority that he is able to adequately and appropriately care for the dog.”.

C. Insert after subclause (16) the following:

- “(17) Where an owner of a class A dog changes residence after obtaining a licence, he is not required to transfer the registration during the unexpired term of the licence.
- (18) A certificate referred to in subsection (5)(a)(iv) or section 6(3), unless the contrary is proven, is conclusive evidence of the matter certified.
- (19) Where a veterinary surgeon issues a certificate pursuant to subsection (5)(a)(iv) or section 6(3) which he knows or believes to be false or does not believe to be true, he commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.”.

*Question put and agreed to.*

*Clause 7, as amended, ordered to stand part of the Bill.*

*Clause 8 ordered to stand part of the Bill.*

*Clause 9.*

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

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

Delete subclause (7).

*Question put and agreed to.*

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

*Clause 10.*

*Question proposed:* That clause 10 stand part of the Bill.

**Mr. Ramlogan SC:** Mr. Chairman, I beg to move that clause 10 be amended as follows:

Delete the words “fifty thousand dollars and to imprisonment for one year” and substitute the words “one hundred thousand dollars and to imprisonment for three years”.

*Question put and agreed to.*

*Clause 10, as amended, ordered to stand part of the Bill.*

*Clauses 11 to 13 ordered to stand part of the Bill.*

**2.45 p.m.**

*Clause 14.*

*Question proposed:* That clause 14 stand part of the Bill.

**Mr. Ramlogan SC:** Mr. Chairman, I beg to move that clause 14 be amended as follows:

- A. In subclause (4) insert after the words “class A dog” the words “, without reasonable cause,”.
- B. Delete subclause (5) and renumber subclause (6) as subclause (5).

**Miss Hospedales:** Mr. Chair?

**Mr. Chairman:** Yes, Member for Arouca/Maloney.

**Miss Hospedales:** Yes, Mr. Chair, clause 14(2). I again would like to say, I think it should be restricted to only rental premises and not to all premises that accommodate more than one household, because when you look at families, dogs tend to be more acquainted with family members as compared to persons who will be renting. In a rental facility, there is a high turnover at most times and it will take a while for a dog to become acquainted with someone who is renting a premises, renting a home or an apartment, et cetera, as compared to family members who would have had the dog from a pup or so.

**Mr. Ramlogan SC:** Chair, it is a point that we did indeed consider. There are two problems with such an approach. One is that there will be obvious discrimination between persons who have more than one household when they are renting and those who simply have households when perhaps they are not renting, and that discrimination will cause some problems. But secondly, and perhaps

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more importantly, the familiarity with the dog has not proven to be an effective guarantee against the dog attacking someone. In fact, one of the cases we cited had to do with a young boy who was found dead in a ravine at the back of the home, and the dog was in fact the family's pet. So that perhaps it is a fallacy to think, that because the people are familiar with the dangerous dog, that it will somehow not turn upon them. So we are happy to leave the clause as is.

*Question put and agreed to.*

*Clause 14, as amended, ordered to stand part of the Bill.*

*Clauses 15 to 18 ordered to stand part of the Bill.*

*Clause 19.*

*Question proposed:* That clause 19 stand part of the Bill.

**Mr. Ramlogan SC:** I beg to move that clause 19 be amended as follows:

- A. In subclause (1) insert after the words "injures a person," the words "without reasonable cause whether in a public place or on private premises,".
- B. In subclause (2) insert after the words "causes the death of a person," the words "without reasonable cause,".
- C. In subclause (3) insert after the words "class A dog" the words "injures a person,".

*Question put and agreed to.*

*Clause 19, as amended, ordered to stand part of the Bill.*

*Clause 20.*

*Question proposed:* That clause 20 stand part of the Bill.

**Mr. Ramlogan SC:** Mr. Chairman, I beg to move that clause 20 be amended as follows:

Delete subclause (1) and substitute the following:

- "(1) A person who, without reasonable cause, incites a dog to attack another person causing grievous bodily harm or resulting in death, commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for two years."

*Question put and agreed to.*

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*Clause 20, as amended, ordered to stand part of the Bill.*

*Clauses 21 and 22 ordered to stand part of the Bill.*

*Clause 23.*

*Question proposed:* That clause 23 stand part of the Bill.

**Mr. Ramlogan SC:** Mr. Chairman, thank you. I beg to move that clause 23 be amended as follows:

A. In subclause (1) delete the word “(1)”.

B. Delete subclause (2).

*Question put and agreed to.*

*Clause 23, as amended, ordered to stand part of the Bill.*

*Clauses 24 and 25 ordered to stand part of the Bill.*

*Clause 26.*

*Question proposed:* That clause 26 stand part of the Bill.

**Mr. Ramlogan SC:** Mr. Chairman, I beg to move that clause 26 be amended as follows:

A. In subclause (1) delete the words “class A”.

B. In subclause (2) delete the words “class A”.

*Question put.*

**Mr. Imbert:** Mr. Chairman?

**Mr. Chairman:** Yes, Mr. Imbert.

**Mr. Imbert:** The amendment: could it be tightened to make it clear that the modifications that the Minister may make would not impose conditions that are more onerous?

**Mr. Chairman:** Are you dealing with the new clause or are you dealing with just clause 26, because there are two clauses?

**Mr. Imbert:** The amendment, or the new clause?

**Mr. Ramlogan SC:** The new ones.

**Mr. Chairman:** No, we are not dealing with new clauses now.

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**Mr. Imbert:** You are not?

**Mr. Chairman:** No, we are dealing with the—

**Mr. Imbert:** The old?

**Mr. Chairman:** And then we will come to the new clauses.

**Mr. Imbert:** Okay.

*Question agreed to.*

*Clause 26, as amended, ordered to stand part of the Bill.*

*Clause 27 ordered to stand part of the Bill.*

*Clause 28.*

*Question proposed:* That clause 28 stand part of the Bill

**Mr. Ramlogan SC:** Mr. Chairman, I beg to move that clause 28 be amended as follows:

- A. Delete the word “and” at the end of paragraph (f).
- B. Delete the full stop at the end of paragraph (g) and substitute the words “; and”.
- C. Insert after paragraph (g) the following:  
     “(h) the conditions for the care and control of dogs.”.

*Question put and agreed to.*

*Clause 28, as amended, ordered to stand part of the Bill.*

*Clauses 29 and 30 ordered to stand part of the Bill.*

**Mr. Imbert:** Mr. Chairman, before we go to the new clause 26A, I would crave the indulgence of the House to return to clause 7(17) just for some clarifications.

**Mr. Chairman:** Members, can we return to clause 7?

**Mr. Imbert:** On page 9. Clause 7(17).

**Mr. Ramlogan SC:** Sure.

*Clause 7 recommitted.*

*Question again proposed:* That clause 7 stand part of the Bill.

**Mr. Imbert:** Could the Attorney General just explain the intent behind this amendment, (17), with the change of residence?

**Mr. Ramlogan SC:** Yes. The idea was that you would not have to go back through the administrative process and press the restart button. Your licence will not expire upon changing residence. The licence will remain intact, but the conditionalities imposed by the legislation which were in place when you got the licence, ab initio, you will have to continue to comply with and observe those conditionalities, and that is why the inspection of premises and so on, will have to take place, and those are matters that will be addressed in the regulations.

**Mr. Imbert:** But do you not think by saying that the person is not required to transfer the registration, you are creating a window of opportunity for people not to bother to register with the new local authority?

**Mr. Ramlogan SC:** Well, I do not mind taking it out and we can deal with it in the regulations if you feel more comfortable.

**Mr. Imbert:** I prefer you delete it.

**Mr. Ramlogan SC:** It is a matter that could be dealt with in the regulations either way.

**Mr. Imbert:** Take this out.

**Mr. Ramlogan SC:** So, Mr. Chairman, we can delete subclause (17). That is fine.

**Mr. Imbert:** It was actually an amendment, so it is not to go with that amendment, 7(17).

**Mr. Ramlogan SC:** Yes. So if we take off clause 7(17), we can delete that.

**Mr. Chairman:** I will have to call on the Leader of the House to move that that particular clause be reconsidered.

**Mr. Ramlogan SC:** Clause 7(17).

**Mr. Chairman:** That is all you have to say.

**Mr. Imbert:** Clause 7(17).

**Dr. Moonilal:** For you?

**Mr. Imbert:** Yes, for me.

**Mr. Chairman:** Attorney General, you may wish to advise the House that you would like clause 7 to be reconsidered.



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**Mr. Ramlogan SC:** Mr. Chairman, I would like to ask that clause 7(17) be recalled and be reconsidered by this honourable committee?

**Mr. Chairman:** And move the amendment now.

**Mr. Ramlogan SC:** Mr. Chairman, I move that subclause (17) be deleted from clause 7, and in all other respects that the proposed amendments remain.

*Question put and agreed to.*

*Clause 7, as amended, again ordered to stand part of the Bill.*

*New clause 5A.*

**Sen. Ramlogan SC:** Mr. Chairman, I propose a new clause 5A which reads as follows:

Insert after clause 5 the following:

<p>“Responsibility for care of dogs</p>	<p>5A Every person who keeps a dog shall provide the dog or cause it to be provided with adequate and appropriate care, food, water, shelter, exercise, attention and veterinary care as may be required to meet the needs of the dog.”.</p>
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*New clause 5A read the first time.*

*Question proposed:* That the new clause 5A be read a second time.

*Question put and agreed to.*

*Question proposed:* That the new clause be added to the Bill.

*Question put and agreed to.*

*New clause 5A added to the Bill.*

*New clause 26A.*

**Sen. Ramlogan SC:** Mr. Chairman, I propose a new clause 26A which reads as follows:

Insert after clause 26 the following:

<p>“Minister may amend Schedule</p>	<p>26A (1) If it appears to the Minister that any type of class B dogs presents a serious danger to the public, he may by Order impose in relation to that type of dog, such restrictions as those provided in this Act with such modification as he thinks appropriate.</p>
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- (2) The Minister may by Order amend the Schedule.
- (3) An order made under this section is subject to negative resolution of Parliament.”.

*New clause 26A read the first time.*

*Question proposed:* That the new clause 26A be read a second time.

**Mr. Chairman:** Yes, you may now speak.

**Mr. Imbert:** Yes, this same one. Can we tighten this so that it is clear that the modifications the Minister is going to make would not impose conditions that are more onerous than for a class A dog? If you look at it, it says you can:

“...impose in relation to that type of dog, such restrictions as those provided in this Act”—you are going good so far—“with such modification as he thinks appropriate.”

The last few words would allow the Minister to modify the conditions and make the conditions for a class B dog more onerous than a class A dog. Can you tighten this up?

**Mr. Ramlogan SC:** Yes. Well, Chair, it may perhaps give my learned friend some comfort to know that the regulations that the Minister will be able to make by order, must in itself be compliant with the provisions of the Act. In other words, if he stipulates any conditions that are outside the parameters of the enabling parent legislation, they will be ultra vires the parent Act.

**3.00 p.m.**

So the Minister’s scope and ambit of legislative freedom to make the subsidiary legislation in this matter is restricted and confined by the parent Act. He is in effect handcuffed to the powers given in the parent Act and those duties and responsibilities there, so he cannot roam very far, and he cannot in fact go—he must act intra vires the parent Act itself.

**Mr. Imbert:** I understand, but in the regulations, you are going to be describing conditions for the height of the fence, the type of gate, the conditions of treatment and so on, and in there you could have variations for a class B dog that are different from a class A dog, and in fact, more onerous than for a class A dog. It would not be ultra vires the parent Act but it could impose a variation within the regulations.

**Mr. Ramlogan SC:** Well, I mean, one would think that if the Minister forms a view—

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**Mr. Imbert:** I know it is kind of far-fetched.

**Mr. Ramlogan SC:** Yeah, it is. “I mean, you know, ah cyah just say dat.”

**Mr. Imbert:** I mean, you do not—it would have to be a crazy Minister—

**Mr. Ramlogan SC:** Yes.

**Mr. Imbert:**—but the law will allow for and the responsibility—

**Mr. Ramlogan SC:** But more than that, if a Minister, at any time, forms the view or is of the opinion that a class B dog requires or justifies a higher level of restriction and conditionalities than a class A dog, the sensible thing for the Minister to do would be to amend the Schedule to put that dog under class A, but not to impose such burdensome restrictions that are obviously in excess of a dangerous dog on a class B dog.

If a class B dog, at any time, becomes so dangerous as to justify the stipulations that are in excess of a class A dangerous dog, then the better thing for the Minister to do obviously would be to simply add that dog onto class A. So I really do not see that as—it is a theoretical possibility but it is not a practical one that I feel would justify an amendment to this. “Yuh see?”

**Mr. Imbert:** I just wanted to flag it.

**Mr. Ramlogan SC:** Yeah. Well, I hear you. At least, we have said for the record so that it would be there in the *Hansard* to garnish.

**Mr. Imbert:** Yes, it is in the *Hansard*. So the intent is that the Minister would not impose conditions—

**Mr. Ramlogan SC:** Yes.

**Mr. Imbert:**—more onerous for a class B dog than exists for a class A dog.

**Mr. Ramlogan SC:** I am happy to say that for the record—*[Interruption]*

**Mr. Imbert:** Say it for the record.

**Mr. Ramlogan SC:**—that the intention is that the hon. Minister in making these regulations will not treat with a class B dog in a manner that is more onerous and burdensome than a class A dog in terms of the restrictions that he imposes.

**Mr. Imbert:** Fine! Okay.

*Question put and agreed to.*

*Dog Control Bill, 2013*

*Wednesday, July, 03, 2013*

*Question proposed:* That the new clause be added to the Bill.

*Question put and agreed to.*

*New clause 26A added to the Bill.*

*Schedule.*

*Question proposed:* That the Schedule stand part of the Bill.

**Mr. Ramlogan SC:** I ask that the Schedule be amended as follows, Mr. Chairman:

Insert after item 3, the following:

“4. Dogo Argentino or any dog bred from the Dogo Argentino.”

*Question put and agreed to.*

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

*Preamble approved.*

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

*House resumed.*

*Bill reported, with amendment.*

*Question put:* That the Bill be now read a third time.

**Mr. Speaker:** This Bill requires a special three-fifths majority and a division is therefore required.

*The House divided:* Ayes 36

Noes 1

AYES

Moonilal, Hon. Dr. R.

Persad-Bissessar, Hon. K.

Dookeran, Hon. W.

McLeod, Hon. E.

Sharma, Hon. C.

Ramadhar, Hon. P.

Gopeesingh, Hon. Dr. T.

*Dog Control Bill, 2013*

*Wednesday, July 03, 2013*

Peters, Hon. W.  
Rambachan, Hon. Dr. S.  
Seepersad-Bachan, Hon. C.  
Khan, Miss N.  
Roberts, Hon. A.  
Cadiz, Hon. S.  
Baksh, Hon. N.  
Griffith, Hon. Dr. R.  
Baker, Hon. Dr. D.  
Ramadharsingh, Hon. Dr. G.  
Khan, Hon. Dr. F.  
Douglas, Hon. Dr. L.  
Indarsingh, Hon. R.  
Samuel, Hon. R.  
Roopnarine, Hon. S.  
Ramdial, Hon. R.  
Alleyne-Toppin, Hon. V.  
Seemungal, Hon. J.  
Partap, Hon. C.  
Mc Donald, Miss M.  
Rowley, Dr. K.  
Cox, Miss D.  
Hypolite, N.  
Mc Intosh, Mrs. P.  
Imbert, C.  
Jeffrey, F.  
Thomas, Mrs. J.

*Dog Control Bill, 2013*

*Wednesday, July, 03, 2013*

Hospedales, Miss A.

Gopee-Scoon, Mrs. P.

NOES

Volney, H.

*Question agreed to.*

*Bill accordingly read the third time and passed. [Desk thumping] [Continuous crosstalk and interruption]*

**Mr. Speaker:** Hon. Members, could you allow the Clerk to read the title, please?

**SELECT COMMITTEE REPORTS  
(Adoption)**

**Holy Name Convent Past Pupils' Association (Inc'n) Bill**

**Mrs. Nela Khan** (*Princes Town*): Mr. Speaker, I beg to move the following Motion standing in my name:

*Be it resolved* that this House adopt the report of the Special Select Committee appointed to consider and report on a Private Bill for the Incorporation of the Holy Name Convent Past Pupils Association and for matters incidental thereto.

Mr. Speaker, on Friday March 22, 2013, the Member for Port of Spain North/St Ann's West presented a petition on behalf of an organization known as the Holy Name Convent Past Pupils' Association, hereafter referred to as the promoters of the Bill, and leave was granted by this honourable House for the incorporation process to commence. The promoters in their petition to this House, Mr. Speaker, indicated that they are desirous of being constituted as a body corporate in order to further pursue the association's aims and objectives.

In accordance with the rules of this House, the Secretariat ensured that the notices were published in the *Gazette* and in one daily newspaper. The publication of the Bill provided notice to the public of the intention of the association to be incorporated by an Act of Parliament, and allow any person opposed to this process to have the opportunity to be heard. Mr. Speaker, it should now be noted that no objections were lodged. Thereafter, the private Bill was introduced and read a first time on Friday, May 17, 2013.

Mr. Speaker, you may recall on Monday, June 17, 2013, the Bill was read a second time, and referred to a Special Select Committee comprising the following Members: myself, Nela Khan, as Chairman; Ms. Ramona Ramdial as a Member; Mr. Jairam Seemungal, Member; Mrs. Patricia Mc Intosh, Member and Mr. Fitzgerald Jeffery, MP, Member. The committee was mandated to consider and report on the Bill.

Mr. Speaker, in pursuance with this mandate, the committee convened one meeting on Friday, June 28, during which the committee pursued the preliminary review of the provisions of the Bill along with suggested amendments from the Chief Parliamentary Counsel. At that said meeting, the committee also examined representatives of the association, along with background documents received from the association to acquire greater insight into its activities. The committee is of the view that there are outstanding issues regarding the Bill, and the general standing of the association that must be addressed before the Bill can be passed by this honourable House.

However, due to the imminent prorogation of this session of Parliament, the committee is unable to conclude its examination of the Bill and recommends that:

1. this Bill be reintroduced in the upcoming session to be referred to the new committee which should be mandated to continue consideration of this matter; and
2. that this House authorize the new committee to adopt as part of its records, the work undertaken by the committee to date.

Mr. Speaker, I beg to move.

*Question proposed.*

*Question put and agreed to.*

*Report adopted.*

### **Insurance Bill, 2013**

**The Minister of Tourism (Hon. Stephen Cadiz):** Mr. Speaker, I beg to move the following Motion standing in my name:

*Be it resolved* that the House adopt the report of the Joint Select Committee appointed to consider and report on a Bill to repeal and replace the Insurance Act, Chap. 84:01; to reform the law relating to insurance companies; to regulate insurance businesses and privately administered pension fund plans and other related purposes.

Mr. Speaker, I beg to move.

*Select Committee Reports*

*Wednesday, July, 03, 2013*

*Question proposed.*

*Question put and agreed to.*

*Report adopted.*

*Motion made and Question proposed* That this House do now adjourn to a date to be fixed [Dr. R. Moonilal]

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 3.16 p.m.*