

Leave of Absence

Tuesday, July 14, 2009

SENATE

Tuesday, July 14, 2009

The Senate met at 1.30 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Mr. President: Hon. Senators, I have granted leave of absence to Sen. the Hon. Arnold Piggott, and to Senators Michael Annisette and Corinne Baptiste-Mc Knight from today's sitting. These Senators are all out of the country.

SENATORS' APPOINTMENT

Mr. President: Hon. Senators, I have received the following correspondence from His Excellency the President, Prof. George Maxwell Richards, T.C., C.M.T., Ph.D.:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards
President.

TO: MR. FOSTER CUMMINGS

WHEREAS Senator Arnold Piggott is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, FOSTER CUMMINGS, to be temporarily a member of the Senate, with effect from 14th July, 2009 and continuing during the absence from Trinidad and Tobago of the said Senator Arnold Piggott.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 10th day of July, 2009.”

Senators' Appointment
[MR. PRESIDENT]

Tuesday, July 14, 2009

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards
President.

TO: MRS. PARVATEE ANMOLSINGH-MAHABIR

WHEREAS Senator Corinne Baptiste-Mc Knight is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, in exercise of the power vested in me by section 40(2)(c) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, PARVATEE ANMOLSINGH-MAHABIR, to be temporarily a member of the Senate, with effect from 13th July, 2009 and continuing during the absence from Trinidad and Tobago of the said Senator Corinne Baptiste-Mc Knight.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 9th day of July, 2009.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards
President.

TO: PROFESSOR DAVID PICOU

WHEREAS Senator Michael Annisette is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago.

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 40(2)(c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you,

DAVID PICOU, to be temporarily a member of the Senate, with immediate effect and continuing during the absence from Trinidad and Tobago of the said Senator Michael Annisette.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 14th day of July, 2009."

OATH OF ALLEGIANCE

The following Senators took and subscribed the Oath of Allegiance as required by law:

Foster Cummings, Parvatee Anmolsingh-Mahabir and Prof. David Picou.

SECURITIES BILL

Bill to provide protection to investors from unfair, improper or fraudulent practices; foster fair and efficient capital markets and confidence in the capital markets in Trinidad and Tobago and to reduce systemic risk; to co-operate with other jurisdictions in the development of fair and efficient capital markets, and for other related matters, brought from the House of Representatives [*The Minister in the Ministry of Finance*]; read the first time.

ORAL ANSWERS TO QUESTIONS

Brian Lara Cricketing Academy (Details of)

5. Sen. Wade Mark asked the hon. Minister of Sport and Youth Affairs:

Could the Minister inform this Senate of:

- (a) the current status of the Brian Lara Cricketing Academy in Tarouba;
- (b) the total sum expended on the project as at December 31, 2008;
- (c) the estimated sum required for the completion of the project; and
- (d) the completion date of the project?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, I am aware that an undertaking was given to have this question answered today and I am also aware that it has been recommended and efforts are being made to have it ready. If it is your wish, I will want to have it taken as soon as it is ready later on in the proceedings, if that is possible? But I am making every effort to have it here.

Question, by leave, deferred.

**Dr. Rupert Griffith and Dr. Vincent Lasse
(Status of Debt Incurred in Judgment)**

13. Sen. Wade Mark asked the hon. Attorney General:

With respect to the judgment in the matter involving the challenge by the Prime Minister, honourable Patrick Manning of the Crossing of the Floor Act relating to Dr. Rupert Griffith and Dr. Vincent Lasse, could the Attorney General inform this Senate of the status of the debt incurred by him?

The Attorney General (Sen. The Hon. John Jeremie SC): Mr. President, the answer to this question, unfortunately, is not yet ready. I would request two weeks and make every possible effort to have it ready by that time.

Question, by leave, deferred.

**Cocoa Cultivators/Farmers
(Status of)**

30. Sen. Lyndira Oudit asked the hon. Minister of Agriculture, Land and Marine Resources:

Could the Minister inform this Senate of:

- (i) the number of cocoa cultivators/farmers at present in this country;
- (ii) the size of land under cocoa cultivation of each farmer; and
- (iii) the number of years each cultivator/farmer has been involved in cocoa cultivation?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, the answer to this request is ready. However, because the Minister is not here, I am wondering whether you will want me to answer it or whether you will want him to answer it?

Sen. Oudit: Is he coming?

Sen. The Hon. C. Enill: No, he is not coming today.

Sen. Oudit: Go ahead.

Sen. The Hon. C. Enill: Okay. Mr. President, the Cocoa and Coffee Industry Board has advised that approximately 1,700 cultivators/farmers sell cocoa to the board at this time. To enumerate the farmers and their parcel sizes would be a

very tedious exercise as parcel sizes range between a minimum of 0.5 acres to a maximum of 800 acres. The parcels are further classified into regions and are as follows:

County St. Patrick—1,428.01 acres;
 The Northern Range—5,050.70 acres;
 Tobago—516.50 acres;
 County Nariva—1,394.40 acres;
 County Victoria—2,349.75 acres; and
 Central—2,538 acres.

A total of 13,277.30 acres.

The Cocoa and Coffee Industry Board has indicated that their records do not indicate the number of years cocoa farmers have been involved in cocoa cultivation.

Thank you, Mr. President.

Nation's Judges (System of Monitoring)

36. Sen. Wade Mark asked the hon. Attorney General:

Could the Attorney General outline to the Senate the system of monitoring that is in place in respect of assessing and evaluating the performance of the nation's judges?

The Attorney General (Sen. The Hon. John Jeremie SC): Mr. President, again, the answer, unfortunately, is not ready. I note that a deferral was sought on this question since April 28, 2009, I will endeavour to have an answer ready in two weeks.

Question, by leave, deferred.

National Academies of Performing Arts (Details of)

40. Sen. Wade Mark asked the hon. Minister of Planning, Housing and the Environment:

With respect to the construction of the National Academies of Performing Arts in Port-of-Spain and San Fernando, could the Minister provide the Senate with:

- (a) a detailed status report on the construction of the National Academies of Performing Arts;

- (b) the original estimated cost of construction of the National Academies;
- (c) the initial projected completion dates for both Academies;
- (d) the current estimated cost and new projected cost of the construction of the Academies; and
- (e) the new projected completion dates for the National Academies?

The Minister of Planning, Housing and the Environment (Sen. The Hon. Dr. Emily Dick-Forde): Mr. President, unfortunately, that question is not yet ready. We have gathered the information, but it has not yet gone through the process of PQC and so on, so we would like to ask for a deferral of two weeks, please.

Question, by leave, deferred.

Rental of Cruise Ships (Details of)

47. Sen. Mohammed Faisal Rahman asked the hon. Minister of Finance:

Could the Minister provide the Senate with a detailed account of the cost of renting the two cruise ships to be used as floating hotels for the forthcoming Summit of the Americas?

The Minister of Trade and Industry and Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne): Mr. President, as I indicated before, the full details of the expenditure have already been released. Our difficulty is in releasing the additional information with regard to the income that was generated with respect to the cruise ships and we have not been able to get that final detail at this stage. I will endeavour to have the information on the full question ready by the next session.

Thank you.

Mr. President: You mean the next sitting?

Sen. The Hon. M. Browne: Yes, I did.

Question, by leave, deferred.

National Test Results (Details of)

91. Sen. Dr. Adesh Nanan asked the hon. Minister of Education:

- A. Would the Minister indicate to the Senate whether all primary schools in Trinidad and Tobago have received the June 2008 National Test results?

- B. If the answer to (A) is in the negative, could the Minister inform the Senate of the reason(s) for the delay?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Thank you very much, Mr. President. That question was in fact submitted to the Parliamentary Questions Committee. It required an amendment and there is no information as to whether that was submitted. I therefore submit that this should be ready on the next occasion that we meet.

Question, by leave, deferred.

**Institute of Marine Affairs Building at Chaguaramas
(Status of)**

106. Sen. Dr. Adesh Nanan asked the hon. Minister of Science, Technology and Tertiary Education:

- A. Would the Minister indicate to the Senate what is the scheduled completion date for the Institute of Marine Affairs building at Chaguaramas?
- B. Would the Minister also state if there have been any cost overruns on this project and if so, could the Minister state the amount?

The Minister of Science, Technology and Tertiary Education (Hon. Christine Kangaloo): Thank you very much, Mr. President. In answer to part A of question, the building has been completed and is currently being outfitted with a scheduled handover date of July 31, 2009.

There have been cost increases on the project. The chartered quantity surveyors and construction cost consultants in their cost report of April 30, 2009, indicated that the project had a cost increase of \$13,646,024.94, as a result of contracts variations and increases in the cost of materials due to delays during construction as follows:

- (1) Sundry variation to the base building—\$1,747,673.46;
- (2) Additional cost of fixtures, furnishings and equipment and outfitting of the laboratories—\$8,434,337.73;
- (3) Additional prolongation costs due to the extended construction period and sundry cost increases of basic materials, \$2,964,013.75; and
- (4) Sundry variations and cost increases, not yet finalized and agreed upon, that are catered for in a Contingency Fund allowance, \$500,000.

1.45 p.m.

Sen. Dr. Nanan: Mr. President, the Minister in her answer mentioned contract variations. Would the Minister indicate if there was any change from the original design?

Hon. C. Kangaloo: It would seem so, but that would have been covered when I said "sundry variations to the base building". I believe that there were some changes.

**Shipping Bill
(Reintroduction in Parliament)**

111. Sen. Dr. Adesh Nanan asked the hon. Minister of Works and Transport:

- A. Would the Minister state whether it is the intention of Government to reintroduce the Shipping Bill in Parliament?
- B. If the answer to (A) is in the affirmative, could the Minister advise the Senate of the time frame for doing so?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, I am in a position to answer that question.

It is anticipated that a revised Shipping Bill will be introduced in Parliament before the end of 2009.

Sen. Dr. Nanan: Mr. President, would the Minister indicate the reason for the delay?

Sen. The Hon. C. Enill: Mr. President, the question simply asked: Does the Government have an intention to reintroduce the Bill and what is the timeframe? We have said, yes and yes, but in the normal course of doing any bill for Parliament, there is a process that it normally goes through, and it is that process which generally determines the time frame. Within the process you have constraints with the Chief Parliamentary staff and those kinds of issues. So it is simply, in my view, a question of timing the Bill as it relates to all the other legislation that we are pursuing.

**Association of Caribbean States
(Benefits for this Country)**

126. Sen. Gail Merhair asked the hon. Minister of Foreign Affairs:

With respect to the Association of Caribbean States (ACS), could the Minister advise the Senate of:

- (i) The benefits this country derives from its membership in the Association; and

- (ii) The benefits derived by this country by hosting the Secretariat of the ACS?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): According to the information available to me, that question has not yet been received by the Ministry and, therefore, it will not be ready for about three weeks.

Question, by leave, deferred.

**Columbus Communications Trinidad Limited
(Protection of Customers)**

137. Sen. Gail Merhair asked the hon. Minister of Information:

Could the Minister indicate to the Senate whether it is the Government's intention to take steps to protect customers from the unsatisfactory service provided by Columbus Communications Trinidad Limited?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): The answer to that question falls in the same category as the one before. It has not yet been received; therefore, I expect that it would be a three-week situation.

Question, by leave, deferred.

**Ministry of Information
(Details of Port of Spain Property)**

141. Sen. Gail Merhair asked the hon. Minister of Information:

With respect to item 2.72 under Head 57-Ministry of Information at page 110 of the Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the financial year 2007/2008, could the Minister inform the Senate:

- (i) What is the address of the property located in Port of Spain for which \$138,000 was paid in rent during the period December 18, 2007 to September 30, 2008; and
- (ii) Whether the property was ever occupied during that period?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, I am in a position to say that this one was considered and it was deferred for amendments, so this requires a two-week extension.

Question, by leave, deferred.

**Fifth Summit of the Americas
(Removal of Homeless Persons for)**

145. Sen. Dr. Sharon-ann Gopaul-McNicol asked the hon. Minister of Social Development:

With respect to the hosting of the 5th Summit of the Americas and the removal of homeless persons off the street, could the Minister inform the Senate of:

- (i) The number of homeless persons removed from the street;
- (ii) The cost of removing these homeless persons off the street; and
- (iii) The number of homeless persons who have since returned to the streets at the conclusion of the Summit on April 19, 2009?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, question No. 145 has not yet been received, therefore, this also requires a three-week deferral.

Question, by leave, deferred.

**Disabled Persons
(Details of Funds Allocated)**

146. Sen. Dr. Sharon-ann Gopaul-McNicol asked the hon. Minister of Social Development:

Could the Minister provide the Senate with the details of funds allocated to each category of disabled persons for fiscal years 2006—2007; 2007—2008 and 2008—2009?

The Minister of Energy and Energy Resources (Sen. The Hon. Conrad Enill): Mr. President, question No. 146 follows No. 145 similarly. The position is that it was not yet received, therefore, a three-week deferral.

Question, by leave, deferred.

**High School Population
(Details of)**

147. Sen. Dr. Sharon-ann Gopaul-McNicol asked the hon. Minister of Education:

With respect to students who have dropped out of high school during the academic years 2006—2007, 2007—2008 and 2008—2009, could the Minister indicate to the Senate:

- (i) The total school population for each academic year;
- (ii) The percentage of students that have dropped out in each academic year; and
- (iii) The name of each school, total student population and number of students that have dropped out in each academic year?

The Minister of Energy and Energy Resources (Sen. The Hon. Conrad Enill): Mr. President, the answer to this question was, in fact, produced; however, there is a requirement for the Attorney General to advise on it. It would be submitted as soon as that advice is provided. Again, I expect that to be a three-week situation.

Question, by leave, deferred.

Gang Violence (Details of)

150. Sen. Dr. Sharon-ann Gopaul-McNicol asked the hon. Minister of National Security:

- A. With respect to gang violence in Trinidad and Tobago, could the Minister provide the Senate with the details of the model being used to combat the problem; and
- B. Could the Minister also provide the Senate with any evidence of the success of the model being used in other countries, particularly in the Caribbean, Britain, United States of America and Canada?

The Minister of National Security (Sen. The Hon. Martin Joseph): Mr. President, I had indicated that I would have this answer ready for this week, but, unfortunately, I have not; as a result of that I ask for a two-week deferral.

Question, by leave, deferred.

Red Mite Disease (Details of)

151. Sen. Lyndira Oudit asked the hon. Minister of Agriculture, Land and Marine Resources:

- (A) Could the Minister indicate to the Senate the measures which have been put in place, implemented or proposed to stop the spread of the “red mite” disease that has plagued coconut producing areas in

Trinidad, and in particular the South West peninsula of Cedros and Icacos since 2005?

- (B) Could the Minister also indicate the extent of the devastation in financial and non-financial terms of the “red mite” to coconut, bananas and ginger producers of Trinidad and Tobago?

The Minister of Energy and Energy Resources (Sen. The Hon. Conrad Enill): Mr. President, question No. 151 is not now available. On the next occasion the Minister will be here and we should be in a position to say when it would be ready.

Question, by leave, deferred.

Recreational Facilities (Details of)

152. Sen. Lyndira Oudit asked the hon. Minister of Sport and Youth Affairs:

Could the Minister indicate to the Senate:

- (i) The number and geographical locations of full service recreational facilities, that is, facilities containing jogging/field track, covered bleachers, washrooms, children’s park, full lighting and secured perimeters which are either operational or proposed in Trinidad and Tobago since 2006?
- (ii) The number and location of such recreational facilities that currently exist in Central and South Trinidad?
- (iii) The rationale used to determine rural/urban need of full service recreational facilities in Trinidad and Tobago since 2006?

The Minister of Energy and Energy Resources (Sen. The Hon. Conrad Enill): The answer to question No. 152 is not available. The answer has not yet been received. I expect this one would also require a three-week deferral.

Question, by leave, deferred.

Health Surcharge (Current Value of)

153. Sen. Lyndira Oudit asked the hon. Minister of Health:

Could the Minister indicate to this Senate:

- (i) The current value of the Health Surcharge contribution to the national Treasury since 2006; and

- (ii) The ways in which the Health Surcharge has been used to improve health care in Trinidad and Tobago since 2009?

The Minister of Health (Sen. The Hon. Jerry Narace): Mr. President, we still have not received the information to complete that question, therefore, I ask for a deferral of two weeks.

Question, by leave, deferred.

Mr. President: Hon. Senators, we will defer the answer to question No. 5 to a later stage in the proceedings.

LOCAL GOVERNMENT BILL

Joint Select Committee (Appointment)

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, I beg to move the following Motion:

Be it resolved that the Senate appoint the following six Senators to serve with an equal number from the House of Representatives on the Joint Select Committee established to consider and report on a Bill entitled the Local Government Bill, 2009: Mrs. Hazel Manning; Mrs. Emily Dick-Forde; Mr. Jerry Narace; Mr. Wade Mark; Mrs. Lyndira Oudit and Prof. Ramesh Deosaran.

Question put and agreed to.

FAMILY COURT BILL [Second Day]

Order read for resuming adjourned debate on question [June 30, 2009]:

That the Bill be now read a second time.

Question again proposed.

Mr. President: The following is a list of those who spoke: Sen. The Hon. John Jeremie SC, who moved the Motion; Sen. Dr. Jennifer Kernahan; Sen. Dana Seetahal SC; Sen. June Melville; Sen. Lyndira Oudit; Sen. Prof. Ramesh Deosaran; Sen. Dr. Sharon-Ann Gopaul-Mc Nicol; Sen. Corinne Baptiste-Mc Knight; Sen. Wade Mark and Sen. Gail Merhair. Senators wishing to join the debate may do so now.

Sen. Mohammed Faisal Rahman: Mr. President, the Bill before us is one which we would support, if only for the fact that it emanated from a wiser government than we have today.

I have noticed that in one of the remarks quoted by one of the earlier contributors, it was mentioned that the hon. President of the Caribbean Court of Justice in a particular document said to the Commonwealth Conference, which was referenced, that:

"One unusual feature of the Family Court is that it was set up without the need of any legislation."

I find that to be a very interesting statement. Although the Family Court has been in operation for four or five years, as what we call a pilot project, I had the understanding that it was a full-fledged court in operation, without need for legislation. If there was need for legislation to refine the operations of the court or to give the court greater legitimacy, I would understand that, but it is a functioning court. It is not an issue that has a matter of imperative necessity that is driving it to have this Family Court Bill brought for validation at this particular time.

I mention this, *en passant*, because we have this Government that is waiting to pass legislation to validate other organizations that have been set up, and we have always been asking for the regularization of a particular organization that impacts upon the security of the State—I am referring to the Special Anti-Crime Unit of Trinidad and Tobago (SAUTT)—when this is a matter that I believe exceeds the immediacy, the urgency, of a Bill such as what we are bringing here today; but that is *en passant*, as I said.

Sir, I am wondering why this Family Court has had to gestate for so many years. It was a concept that had self-evident good; it was not a matter that needed to be researched. It is almost as if your child got a laceration and you have to take immediate action and attend to it.

We have had deterioration in the social fabric for so long, and we all know, and we say it is a cliché, that the family is the building block of society. We have had families imploding, falling apart, disintegrating, and as a consequence, the very national community has been falling apart at the seams. We have been very, very negligent in not fast-tracking and giving this particular Family Court a greater degree of attention. There should not just be one building housing a Family Court in Trinidad today. This is a project which should have been already established throughout Trinidad and Tobago.

I also have a problem with some of the concepts that have been ventilated here. While the Family Court is an excellent instrument for resolving disputes in family circumstances, we must not fool ourselves into believing that this Family Court presents any panacea for the social ills from which we suffer at the present time.

These cases that come to the Family Court come there after a degree of friction, having developed into violence and serious dispute. What is going to happen in the Family Court is that those particular instances of family disputes and friction are going to be attended to, but they are not going to impact upon the wider society in any way whatsoever.

2.00 p.m.

So I have found, particularly, that the extravagance that has been laid out to develop the physical appointments of the court in terms of its ambience and facilities, these excessive expenditures will really have absolutely, not even a palliative effect upon the destruction of the society that is ongoing right now. As a matter of fact, when one contemplates that the people who are going to benefit from this court in the resolution of their conflicts will only be in the court for short bursts of time, and in any event for a short length of time altogether, there is no lasting benefit to the litigants or the victims who come into this court to say that they would be able to take that benefit outside of the court environment, back into the social circumstance in which they are placed.

As a matter of fact, you might even find that when litigants or victims come into that court, they may resent the circumstance in which they have to return into and feel in some way, cheated. What we have done is, we have been extremely extravagant in putting up the—I am not referring to the technological advancements that are being brought into the court, because these are advances that should be introduced into all the courts of Trinidad and Tobago. There is no reason why any of the courts should be operating without those facilities—technical facilities for processing and streamlining of cases. But here I am referring to the extravagance and ambience which have been pointed out here as being pluses for the court. Because the people who are going to benefit the most from that extravagance, that ambience, that excellent office circumstance, are the employees of the court who are going to be spending the majority of their time within the walls of that court.

There is really no need to provide so extravagantly for the employees when what we are trying to do is to rescue those people who have been brought to the court as victims in these cases of violence. I say this because I would like to

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caution in the future outlying courts that are going to be established throughout the country that we do not try to go overboard with this excessive spending. Concentrate on the technology; concentrate on the streamlining; concentrate upon the Masters of the court and the appointments of the court personnel, but do not let infrastructural niceties delay the establishment of the additional court facilities throughout the country. These are areas that we need to look at, not pretty buildings, fancy carpets, ambience, waiting rooms and all that sort of thing. We need to get to the issues that will benefit the people of the country.

Now having said that, again to underline the fact that the courts themselves will in no way mollify the social disintegration of the country that is ongoing, I have to draw attention to what appears to be an epidemic of criminality and violence in this country which is a horse that we beat every day here and for good reason, because the murder toll keeps increasing, the violence keeps increasing. I mean, people are being shot at point-blank range and unless you establish cameras in every nook and cranny you are not going to get the identities of the people. Now, whoever sees, cannot admit to seeing because when the time comes to give evidence they are going to lose their life.

The point I am making is that the Government has to try and find ways and means to deal with the causes of the violence that have been plaguing and cursing our society to the extent that we have been experiencing these awful tragedies. In addition to concentrating on the family courts, the Government should also review the facilities—I think I made this point already—of all of the courts so that the extravagance may be diluted and we may have an even developing of all the court facilities in the country.

One other thing, in the Bill there is reference to the psychological suitability of masters and employees of the court. This is extremely important. I support that, but we seem to have a quandary as to how to determine the temperamental suitability of members of the court. My simple suggestion is that in the Bill we have set out that applicants or officers of the court be subjected to psychological and psychiatric evaluation by competent professionals and not merely that a JLSC or Chief Justice sit in his chair and say, “I deem such and such a person to be psychologically suitable.” There is no yardstick. You have to go below the surface.

I think this is extremely important, because I have been reliably informed that even in the pilot project there was a particular appointee—I do not know if he is still there—who came as a very experienced attorney from the criminal bar. That is, what you call, a total mismatch. You cannot have a successful attorney from

the criminal bar being brought in to deal with family issues and juvenile issues, except he is an exceptional character with some absolutely unique qualification and some unique capability of which I am not aware. But on the surface of it, there does not seem to be any justification for such an appointment.

So I would say again, yes, indeed, there must be temperamental suitability, psychological suitability, because I can say as an older man, you know, you learn to keep your temper and you learn to be a little more at peace with—*[Interruption]* Yes, I may appear to be otherwise sometimes, but that might be deliberate. *[Laughter]* But when you have people in their prime who are going to be very sorely tested—because I will tell you, I saw a remarkable show very recently where a young girl who was terminally ill so wanted to show resentment to the nurse who was bullying her, that when she was asked to give a sample of urine, she filled it with pear juice and when the lady came to collect it she started to drink it. That, of course, caused her to feel so disgusted. In other words, you are going to be challenged in your patience.

Sen. Enill: I saw the same movie.

Sen. M. F. Rahman: You saw the same movie? It was rather interesting, was it not? A touching one too. But the point I am making here is that juveniles, adolescents and the criminally inclined are not respecters of people so you very much need people who are temperamentally suited to these challenges. I do not want to go further. I mean, I am underlining the need and again I am suggesting that you find professional evaluation for such people.

One other thing again, the issue about pay, remuneration, this is an area where you will find, I think the word is attrition, where you find there might be a rapid turnover of staff when people are not properly remunerated. I want to say that if the Family Court is a special court and you really want to get the benefit of the people who are going to be appointed there after suitable evaluation, and so on, you really want to give them remuneration packages that will encourage them to stay on the job.

I recall in the National Steel Symphony Orchestra Bill which we have had in this Senate and which we are still considering, there was a ceiling of up to \$300,000 salary for members of the National Steel Symphony Orchestra under which the Minister did not have to be consulted. In other words, we are prepared to pay extravagant salaries for something that is a cultural and public relations international advertising effort. Here we are investing in the rehabilitation and the

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rescuing of our citizens at the juvenile level, who have been suffering from the trauma of all of the violence that they have seen occurring in this country, not the least of which has occurred among their very classmates.

Nowadays little children are seeing their parents being brutally murdered; they are seeing their peers, friends, playmates, classmates, being brutally murdered, and all sorts of things are happening. It is as if we have had a hand placed upon the emotional heart of this nation and have it wrenched in a way to bring us to our knees. The point I am making here is the question of the remuneration for the qualified staff of the Family Court, those members whose continued—you are not sitting in a court where one judge can party and another judge can party; I do not even know if that can happen.

But the point is that you want to get continuity in these cases where a case comes in, an evaluation is made, a master is appointed, so you want to have—and the point of remuneration is this: One of the things that I was told by the very, very excellent young lawyer with whom I consulted, is that there is not a great attraction for qualified attorneys to give up their lucrative practices to come and serve even on the bench. And there is, of course, another problem which comes up sometimes and which was mentioned by one of our retiring judges who very unhappily revealed that sometimes you have to belong to a certain type of old boys' club to qualify for even consideration. That is a little skeleton there that I am not too happy about.

But coming back to the remuneration aspect, we do have a situation where the more temperamentally, not even to say temperamentally inclined, those professionally inclined to deal with this sort of circumstance do not find it economic to give up their practices to come into these circumstances where the remuneration will not be adequate.

So I am making a very strong, I hope, argument if not a case, for the question of adequate remuneration for these Masters of the court and people of the court who are going to be invited to join the bench, so to say, and I note that the bench is not an elevated bench, except in the form of dignity, but it is an equal bench which is another good feature. But we need to have an indication that the Bill would cater for enhanced remuneration to get a better calibre of attorney being prepared to become a Master of the court and in other areas where people are required to serve.

I am sorry that I am going to have to mention this en passant and I am not going to stay more than a couple minutes on this so I would not be straying. The Attorney General did mention the intention of the Government to discontinue

preliminary hearings. I do not know if preliminary hearings will impact upon the family court, whether some of the cases may qualify for preliminary hearings. I do not know how these things work. But one thing I would say, after hearing my colleague, Sen. Mark, we have to be very careful that we do not throw the baby out with the bath water.

Preliminary hearings at the present time may have their drawbacks and may have their negative aspect but these preliminary hearings, although they have been dispensed with in other dominions—and I am always of the strong view that we do not have to be stampeded into following blindly the example of any other State; we have to look at our own circumstance and decide for ourselves how valid it is that we should go a particular route, not because it is the popular thing to do or the current thing to do, that we will get into vogue. The question of preliminary hearings is one, if I am to understand it properly; is a safeguard against victimization and it is a very important thing.

2.15 p.m.

Whatever the problems at present that cause the extensions of these preliminary hearings to go on interminably, whether it is for reluctance on the part of the enquiring, magistrate or whoever to go into the matter in the way he should, the law should be amended and a statutory limit put by which a case should be determined in so far as the preliminary enquiry is concerned and it should be bumped up to the next level. Certainly, one cannot simply decide, as the Attorney General had mentioned very quietly—and when this Government says that it is going to do something, no matter how unpopular it is or how the Independent Senators may in large measure vote against it, we have somebody else who justifies the action on the part of the Government and ends up supporting the Government, in an area where the majority of the nation is aghast.

We do not want to have a situation where the Government continues to contemplate the dispensing of preliminary enquiries because this may well impact on cases that would be coming to the Family Court. Naturally, I am on the side of my colleague, Sen. Mark, for very sound and good reason.

One of the disturbing features of the Bill is in Part II, clause 4(5) which says:

“No term of imprisonment shall be imposed by the Family Court in relation to any juvenile matter.”

The point is taken that you do not want to imprison juveniles. You are leaving the door wide open for those people who cannot only in the cases of, as Sen. Dana Seetahal SC had mentioned where a person may get to a certain age and is fit for

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punishment. I am thinking about if a juvenile matter comes where the culprit in the matter against the juvenile is a strong hard-back adult, to use that term, and that offending and criminal adult cannot be imprisoned even by the Family Court, because the Bill says the court cannot impose prison sentences on anybody. I think a simple thing here is to say, "no term of imprisonment shall be imposed on any child by the Family Court in relation to any juvenile matter". Put in the words "on any child" and you are safe. If you trammel the court from imprisonment of any sort, woe betide the child who is the victim of violence by an adult brought before the court and the adult is left to walk free and the child is put back into the circumstance of confronting that very adult in the domestic home.

We have to be very careful. This is one of the things of the Bill on which I have to comment. The Bill is sloppy. To my mind, if I am correct about that assessment and that simple amendment, the Bill is sloppy, not only in terms of its having clauses mentioned that do not exist and editorial corrections being required, but also I find that this is one of the points which Sen. Mark had made with regard to this Bill. He was talking about the whereas clauses. With his experience he spotted that. I would not have seen that. In the time that I have been in this honourable Senate I have found too many times, the continued sloppy and slipshod errors that come to us in these Bills to be a very poor reflection on the Government. Perhaps, it is an accurate reflection of the Government. Perhaps, that is how the Government is. It is a sad state of affairs.

If this is going to be your standard for assessment in the public eye—remember as we have seen by the outcry in the last week or so, the proceedings in this Chamber, as you wisely said to me, Mr. President, they are heard far and wide by the national population. I was wondering when I came here today whether I was going to feel gun-shy and have some stage fright because more people would have been paying attention to today's proceedings than probably they had in recent years because of recent developments.

To come back to the issue, the Government has—and I have seen, not that I can say that I have been here in the presence of successive attorneys general and I do not know if to regard the current Attorney General as a triple return or a second return, because in recent times we have had a resignation and a dissolution of that resignation. Maybe, he is the third Attorney General I am seeing, but there is no improvement in the quality of the Bills that are being brought to the Senate.

In clause 15 you have had many problems created by the contemplated very high-handed penalties being proposed for people who do not cooperate fully and completely with the demands of the court. Clearly, to expect someone to

incriminate himself is unconstitutional. People do have constitutional rights. Clearly, we have a problem with how to deal with that. My simple suggestion here is to treat these matters where somebody does not cooperate or walks out of the court or does things that he should not do as a simple contempt of court. I am sure we have legislation that tells us how contempt of court should be punished. I remember a certain barrister being put behind bars for contempt of court. It is not a difficult matter to resolve. Contempt of court will take care of all the problems that clause 15 seeks to resolve in draconian methods.

We need more than simply—in addition to the children package which we had started several years ago and which was allowed to—

Sen. Jeremie SC: What did you say just now?

Sen. M. F. Rahman: Beg your pardon, Sir. I am sorry. I did not hear you and I do not think I want to at this present time. Thank you very much.

In addition to the children package that has been introduced in pieces in the last few months, I suggest that the Government contemplate bringing some sort of legislation to obligate parents with respect to their parental duties. In this country—parental duties are supposed to be natural instincts and urges. A mother and father should not require any inducement to be a parent. The child did not come into existence without the desire of different sorts of the parents. There is no reason we should not seek to protect the child in a more comprehensive manner than the protection which is at present for the child.

At the present time we have laws that say children must go to school at a certain age. I do not think that we have any laws that speak to how parents should treat or bring up their children. Here we go into an even wider sphere. If there are parents who are indescribably poor, the Government should consider—I am sure that we have social assistance. We must have social assistance of various sorts. We have the School Feeding Programme. That is a good thing. The point I am making about this is that at this time we need—what we are doing here with the Family Court is treating the symptoms of a disease without addressing the genesis of the disease.

I am referring to the social disease that afflicts this country. We have to look for comprehensive laws and a total approach to deal with the problem. We cannot continue to produce criminals in an environment. One of the things I keep on saying is that this caring Government seems to care more for fostering the criminal environment than for the nation itself. I am serious and it is one of the

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things that grieve me very much. Certainly, this was never the intent of the founding father of the opposite Benches' party. Our concerns for our children should not begin at the Family Court level. It must begin from the very beginning.

Parents have obligations to register their children's birth. You have to do that. You have obligations to ensure that they are inoculated. But we have no obligation with regard to moral upbringing. We have an obligation to education in a sort of way. There is no monitoring, supervision and examining of how these duties are discharged by the parent and worst of all, we have a social construct where illegitimacy in its most rampant and objectionable form pervades this country. Not to say people live as common law spouses and have children. That is illegitimacy, I hope to God that God sanctifies those relationships because of the dedication of the partners in the relationship, because even those people regard themselves as spouses.

This matter was addressed by a very good foundation several years ago when I had the honour to present a paper. We have a situation where our ghetto youths are born in very unfortunate circumstances. We have criminal fathers, absentee fathers, phantom fathers, New York-based mothers sending barrels. Somebody called them barrel-children some time ago. We have grannies looking after little children whom they cannot control. Those are citizens of this country. Those little kids are Trinidadians and they have a right to human dignity. I will tell you something. Even if you care for them, you have to care for them because they will come and be the criminals of tomorrow to hold this country to ransom.

You have to look after our young and innocent. By God, they are innocent. "Suffer the little children to come to me for as such is the kingdom of heaven." As criminal as they may become, it is our duty to look after those children and ensure that they are nurtured, not merely that we rely upon the nature of their conception, but upon the nurture that is given to them. I am serious here. We should have orphanages where not only orphans are taken in but also children who are violated.

Imagine sometime ago, we had Archbishop Burke who was running a shelter for young children and it was demolished by a caring government. This is the aspect of family care with which the Family Court does not have a connection. These are areas that the Government must bring itself to put on its magnifying lenses and take a closer look. We must look after the welfare of the children because the children are the future citizens of the nation.

I have always said that if a man rears up his children and produces good citizens and accomplishes nothing else in life, he has contributed to the welfare and development of the nation. This is a sacred duty. Then again, who cares about

sacredness and sanctity? The problem here is this. We have a very God-fearing Prime Minister who is planning to become a preacher in his after years in his next incarnation. Whether he will ever be inclined to depart this political scene is a very good question. He has expressed his intention. I am not going to blame him alone.

Where are our social and religious consciences when we—I am not talking about how badly we treat children who come to us on the streets when we neglect to look after the children that we know are being spawned—I use the word "spawned" very carefully—in the ghettos and left to grow up as, I hate to say the word, but as virtual animals without any direction. I have been reliably informed by more than one businessman in Port of Spain that half of the people who walk into the stores, walk in with guns in their pants, hidden of course.

Do you know something? We have a situation where we have police in the street and we are not even looking after those people. The best thing you can do for a gunman is to take away the gun from him. Nowadays it is young children, 14-year-olds killing police. We have a serious situation. If we do not look after, long before the Family Court becomes a factor in their lives—

2.30 p.m.

There is an English saying "look after the pennies and the pounds will take care of themselves." Look after the children and the adult community will grow up.

I remember when I was 11 years old in Sangre Grande Government School and one of the teachers used to say this very regularly: "You are the citizens of tomorrow." That went past my head. I took that as the statement. At this end right now, looking back, I know how very important that is. If we do not recognize our obligation to the young generation, we will be creating an environment for our own descendants and progeny that will not permit them to live in peace in this fair land. We really have to look at the matter of what we do for our children, long before the Family Court becomes a part of their lives. If the people cannot become God-fearing, they must learn to be law-abiding. This is where the Government has to use, not only moral suasion, but a legal instrument to bring the nation into line. If you do not do it, we are sowing the whirlwind.

Mr. President, another matter, which is very important, in my view, to this Family Court Act is in this Schedule where there are a number of Acts that are affected by this Family Court Act. The one that particularly concerns me right now—I am not a lawyer and I do not know what are the implications of any of

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these Acts, without having to go and study law; I cannot do that in a flash—is, not surprisingly, the Muslim Marriage and Divorce Act, Chap. 45:02. I have a particular interest, for obvious reasons. I do not know what this Act contemplates with regard to that Act.

I will ask some quick questions, which I hope the Attorney General will address in his summation. Is it that all the divorce councils are run by the various Muslim organizations? I will speak as well for the Hindu Act, although I think that is a little more circumscribed. There is the Muslim Marriage and Divorce Act and there is a Hindu Marriage Act. Of course, there is an Orisha Marriage Act and Married Persons Act. Interestingly, I believe the various Acts were intended to legitimize the ceremonies that these various religions hold with their rituals, in terms of affording them a means to register their marriages in, what we called the Red House. It is now in a different department. Not only are you viewed as married in your community, but you are legitimately married in the law of the land and your children can be deemed to be legitimate.

The Muslim Marriage Act goes on to say the Muslim Marriage and Divorce Act. That was an Act that was passed with a great amount of effort on the part of the Muslim community—[*Interruption*]

Mr. President: Does this have something to do with the Family Court Bill? I am trying to make the nexus and I am not finding one, so please make it quickly.

Sen. M. F. Rahman: Yes, Sir, it is in the Schedule. I mentioned earlier on that the Muslim Marriage and Divorce Act is on page 16 in what is called the Schedule to the Act. The Schedule does not say what is the net effect or what impact this Family Court Act has upon these other Acts. I have taken the liberty, with your permission Sir and I hope I continue to have it, to address the Muslim Marriage and Divorce Act, because it is in the Schedule among the other Acts. I do not know how the Family Court is going to take over the proceedings of the Muslim Marriage and Divorce Act. I am putting out some questions, which I hope the Attorney General would address later on and also to make certain that there are other comments with a view to fine-tuning the Family Court Act.

I would like to continue, Sir. The Muslim Marriage and Divorce Act was brought about to correct a very serious problem that the Muslim community had faced. If you remember, originally, adultery was the only grounds on which a divorce could have been had in this country for decades until recent years, I do not know how far back. The country has since liberalized divorce much more reasonably, so that people of the other faith, other than Roman Catholic, were not bound by the Roman Catholic frowning upon divorce. The Muslim community

was able to get a Divorce Act and as a result, we have several divorce councils in the various Muslim organizations such as the Anjuman Sunnat-ul-Jamaat Association (ASJA), the Trinidad Muslim League and Tackveeyatul Islamic Association (TIA), three, I believe, in particular that oversee and run with virtual little courts, with the respect that is due for a judge being paid to the presiding attorney who is serving on those divorce councils.

What I am wondering is—this is addressed to the Attorney General who was trying to get my attention just now and I certainly hope I have his attention now—will this Family Court supersede those divorce councils and is it that the Muslim Marriage and Divorce Act is subsumed into the Family Court? It is very, very clear Sir, all disputes and family matters are now to be referred to the Family Court. I have a concern and I do not know how that will impact upon the divorce councils that are currently in operation; whether they would be allowed to continue to function and the Family Court permitted as an additional avenue for such conflicting couples, as may have a problem. I would like clarification on that.

Further to that, Sir, I want to bring forth a problem which women in my family have faced because, as practising Muslims, we have had circumstances where divorce has taken place. We have found that the existing Muslim Divorce Councils have absolutely no jurisdiction, right or say in matters that relate to maintenance of children, alimony to the wife, or property settlement. Even though Muslim divorces can take place, there is no mechanism other than resort to the High Courts, to proceed with very lengthy and expensive litigation that a lot of ladies who have been tremendously disadvantaged, have found to be more daunting than profitable and as a result have abandoned their claims against spouses who have treated them very badly and continue to treat their offspring, who are their legitimate children, very badly.

I would like to know if the Family Court will be obligated, or at least provide an avenue whereby families in conflict, including Muslim married couples, will have a right to come to this court and seek redress and resolution to the problems that they face, with regard to property settlement, child care and child maintenance. I really ask.

Mr. President: Hon. Senators, the speaking time of the hon. Senator has expired.

Motion made. That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. Dr. A. Nanan*]

Question put and agreed to.

Sen. M. F. Rahman: I seem to have squeaked by. In any event, one eye and no noes is just as effective. It does not matter by how many inches you win the race, as long as you win the race. I want to assure the Government Benches that I do not intend to be more than two or three minutes more. I really did not expect to go past my first 45 minutes. I am trying to please the Senators in more—except when there are issues, I would like to flag and to flog as well.

To come back to it, I would like the new Family Court to take responsibility for Muslim divorces and settlements and be in a position to make reparations with respect to these deficiencies as and when these arise. The cost of litigation and the other obstacles that face Muslim couples are extremely onerous, very, very burdensome, very daunting and very discouraging to pursue.

En passant, I would like to know whether the new court is going to take over responsibility for all the Acts listed in the Schedule. If that is the case and this happens and all these Acts come under the purview of the Family Court, we are going to have a serious backlog before we even begin. Things are going to get out of hand. I do not know how we are going to resolve the matter. In matters of human conflict, it is not always a matter of straightforward law, it is matter of hearing both sides. There are three sides to a story, his, hers and the truth. We never know how long these matters are going to take to be resolved.

I do want to say that this has been a very important Bill, in my humble view, in dealing with the social fabric of this country. I really would like that the Government would have taken cognizance of some of the points that I have tried to make and that this contribution, at the end of the day, does prove to be of some merit and worth.

Thank you very much.

Sen. Helen Drayton: Thank you, Mr. President. This Bill is welcomed. It certainly is overdue. I want to open by saying that the governing committee, the monitoring committee and the management and staff of the Family Court deserve the highest commendation for the excellent work that they have been doing in the governance and administration of this institution. This court, I think, is certainly an example for national institutions that provide a service to citizens. Its focus is on a high quality of service, and it certainly brings a lot of value to our citizens. This is a court that goes out of its way to remove the trauma that characterizes so many complex family situations, especially for children, in preserving their dignity and the dignity of the family.

In considering this Bill, I could not help but juxtapose the level of service provided by this court, when you think of children and the traumatic experiences that come out of so many situations. A system such as the SEA Examination, out of which much trauma and embarrassment emanate for children and their parents; a system that has succeeded the Exhibition and the Common Entrance Examinations, which focused on one learning style and one teaching style. We know that you need various methodologies for children to learn and also to correct situations; a system which says if a child does not pass for the school of choice, it sends a message that child is a failure. The child is then placed in an environment that, in a sense, perpetuates the old post-primary syndrome.

I have a few comments, with respect to the Bill, most of which have been dealt with and, therefore, I would not go into any detail. Those that I would repeat are simply to emphasize a certain need. The Family Court now has had much experience as to what is required. Going forward, at least in reading all the reports, the excellent reports, they have submitted and also, the preamble of this Bill, it specifically says that all the essential elements and resources appropriate to the operation of a Family Court will be combined in one entity including the Social Service Unit, a Mediation Unit and such other units and services as are critical to the resolution of a family problem.

2.45 p.m.

In this preamble it goes on to say that a strong focus will be placed on customer service. Therefore, I want to suggest that more attention ought to be given in this Bill to the one factor that would make a difference between the continuing good governance and slipping into weaker situations, as well as the difference between good administration and bad administration, and that of course, is the human factor.

This is another area which is of concern to the court as indicated in its report. So, for it to continue to have efficient administration and mediation, especially in the context of the planned expansion, there must be recognition in this Bill of the need for other important positions of the Family Court. I know it is in the schedule of the reports that I have seen, and Sen. Baptiste-Mc Knight placed much emphasis on that, which is the registrar and assistant registrar positions. So, I think that we need to look at that again.

Also, while I appreciate that the judges and the masters should be appointed by an independent body, which is the Commission, I also believe that the Family Court, because of the special nature of that court, ought to have some sort of

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influence with respect to the job specs and the skills to be recruited: the professional legal skills, emotional intelligence and sensitivity that the positions call for in dealing with family and juvenile matters.

This court is an institution that we are very proud of, and when I look at the Bill I get the impression that it will always be subjected to the exigencies of the Commission, which means that resources would be recruited within the constraints, and we know that there are many constraints of the current system, and this worries me. This is why I believe it ought to have some sort of influence, ability and maybe, this is something that the Senator, the hon. Attorney General can respond to.

Under clause 3 of the Bill, I am not clear on the definition of “juvenile matter”. The Bill defines it as a summary offence, and I just wondered whether there should not be greater clarity, given the group we are dealing with, if there is a criminal matter in which the accused is under the age of 14 years at the time of the charge. The second part of that definition deals with the preliminary enquiry and we have heard that there is work afoot to abolish that. So, to my mind, I do not see why we would include it in this Bill if the intention is to abolish it.

There were many comments on clauses 4 and 5, that deal with the Family Court having jurisdiction in relation to children under 14 years of age. With respect to clause 5, that deals with the term of non-imprisonment, my concern here is that the child must be taught that crime does not pay. I am assuming that while clause 5 states no term of imprisonment will be imposed, there will be incarceration in some correctional institution. I am assuming as well, that we have used "less than 18 years" for the definition of a child, based on the United Nations Convention.

It occurred to me, that based on other pieces of legislation that have come to this Senate on conventions that we have subscribed to, we need to focus more on those conventions as guidelines, as other countries in the Commonwealth appear to have done, rather than take it hook, line, and sinker, and make our laws therefrom. We need to ensure that it is relevant in the context of current and also future situations.

I say this, because in the context of the heinous crimes that are being committed by children: gang rape, murder, violent burglaries and the recruiting of young children into gangs, I am not sure of the status of children who are 15 years and 16 years, since the Family Court has jurisdiction only for one age group of children, which is the group under 14 years.

I feel that the Bill ought to make some provision where there are group situations. So, that if in a group you have a 13-, 14-, 15-year-old committing a crime, are we suggesting in this Bill that the 15-year-old will be treated much differently from the 14-year-old and they were both in a group convicted of the same crime? This really concerns me.

With respect to the no term of imprisonment, I have already mentioned that I assume that they will be placed in a correctional institution. I would not like to think that in reflecting on the types of crimes that are being committed by our children, that young rapists and murderers are being put in the same correctional institutions as your delinquent of the street corner. I hope you see what I am getting at here.

I understand that in some cases that is happening, and therefore, probably this Bill should state specifically that children will not be placed in adult prisons. It is happening. You see, on the one hand, we cannot be making a law to the effect that under 18 years you are a child, and then you deal with them as adults when convenient. So, you have a problem with space in St. Jude's Home for Girls, you have a problem with space in the correctional institution for boys, your law is going to say one thing but in effect, because of the weaknesses and the lack of a focus in ensuring that we have state-of-the-art correctional facilities, you are now putting them in adult prisons.

I really cannot classify a 17- and an 18-year-old as a child. I think there is a major difference between a child and a youth per se. When you consider that there are 17- and 18-year-old children—we define them as children—who are in the workplace, and a child who is a few months shy of the voting age, to classify them in the same category with children 13, 14, 15 years, I am finding it difficult to come to grips with that.

I really think it is time that the Government ploughs some money into state-of-the-art facilities for children. With respect to clause 6, I was a bit confused here because it states that “The Family Court Master has jurisdiction in relation to any matters,” then in the same clause, it says, “Where under this Act a Family Court Master exercises jurisdiction...”

So, one part of the Bill is saying you have jurisdiction and the other part is saying, when you exercise the jurisdiction. It sounded to me as though there will be other authorities with jurisdiction, with respect to family matters. I think that we need to look at the wording in clause 6.

Regarding clause 9(1), which deals with the Family Proceedings Rules of 1998, again, how practical is this for customers who do not have attorneys? I

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understand that the application forms are very complex and they are usually accompanied by a narrative affidavit. Probably we need to look at that from the point of view of modifying and amending to the needs of the Family Court.

Concerning Part IV, which deals with procedure and proceedings, clause 9(3), this is another area where I feel that the Family Court should have some jurisdiction with respect to identifying the training and experience requirements with respect to the appointment of very senior persons involved with the court. Concerning Part V, I heartily agree with Sen. Mark. When I read that section I would surmise that it is legislation that belongs to the books of some very extremist regime. I understand the intent in terms of law and order in the court, but it seems to be unduly harsh.

Finally, I would just touch on a matter that I have mentioned before, which is, that the Ministry of Education, the Ministry of Health and the Ministry of Social Development and the Children's Authority, coming together in a very coordinated way, to mitigate crimes against children at risk. I believe that the average person who was looking at television, and saw the human environment with respect to one child who was viciously murdered in Laventille, would come to the conclusion that there are other children who are at immediate risk. I wondered what social interventions are taking place.

As I have indicated before, I do not think it is a viable proposition to deal with primary education outside of primary health care. You can have all the crime fighting programmes—and every fortnight you probably will be devising another one—unless we are making a meaningful effort to shut down the engine room that produces young criminals. Dealing with primary health care and primary education in a very holistic way, means you are dealing with pre-natal care, parent education and consequently you are dealing with community care. It is not only a situation of lack of good parenting. I have heard so much about that. There are millions and millions of people all over the world, deviant people, criminals, who were brought up in the same nurturing, loving and caring environment as their siblings, who turned out to be very productive citizens, and you have the reverse as well.

So, there is urgent need for the diagnostic testing of children in some sort of collaborative child development programme, to mitigate problems of the engine room. It is a whole combination of things and germane to that is the emotional and the mental health of children. I think these are things which escape the authorities.

I go back to that SEA. I cannot understand why in this day and age, you will be publishing in a newspaper, the name of every child and the school which they will

be attending. No developed country does that; no underdeveloped country does that. I cannot understand why we continue to perpetuate things that stigmatize and hurt children in such a way. It is a matter between the school and the parent; the parents and children go to the school and there should be counsellors there.

You should not be seeing a situation where you have Ministers and other people standing and hugging children who have passed for their school of choice, and other children who worked very hard in tears, and for whatever reason they did not, and are stigmatized. She or he passed for that school, because they did not do too well. That is what we continue to perpetuate.

3.00 p.m.

When you look at the schools that those very children go to, they are the schools, in some instances, where you have so many issues of leadership, management and delinquency. So, I am urging the Government to heed that call once again. And there are many excellent people such as Dr. Bratt and others, who could be involved in establishing a collaborative child development programme.

Just before I close, in doing some research I came across a United Kingdom newspaper article and I thought it was very interesting that “A major push is now being made by the education authorities there to try to get male teachers into the primary school system”. As a result they were getting more men into the primary school system—which I know is a problem we have here. We need to face the reality with respect to boys and the kind of positive role models that they need from the primary school stage.

It was pointed out that the call was no reflection on female teachers or single mothers; what they were arguing is that the schools needed to represent society better, therefore, they ought to have diversity based on gender, age, and other abilities. They also focused on the importance of balance, and that teachers are powerful role models. It is something we ought to look at because there is a predominance of female teachers. We ought to be making a more concerted effort to have a greater balance in schools attended by boys learning.

In closing, I welcome this initiative to strengthen the Family Court, and close by commending the court for a job well done.

Thank you.

Sen. Annette Nicholson-Alfred: Thank you, Mr. President, for this opportunity to add my small piece to the discourse on the Family Court Bill, 2009.

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A lot has been said about this Bill and it has been highly recommended. However, I feel compelled that I must add my piece, especially as my end of the discourse would take a different slant from most of what has been said.

I would like to open by saying that the intent behind the Bill is worthy of my support. We all know of the importance of the family in society. Good families more or less produce good environment; broken down families result in destructive environments. Because of this it is important to discourage the break-up of families and anything which could be done to ensure that families are kept together and their problems settled amicably should be encouraged.

However, from the point of view of the Tobagonian, the question is asked, where is Tobago in all of this? Tobago has had to wait for over a decade to be considered for a Family Court. I firmly believe that pilot project or not, there should have been something of the sort established in Tobago. I think we all know why. Tobago has families too. We in Tobago have children, husbands, wives, juveniles and properties, and all of these need the setting of a Family Court to settle troubling issues. So, my question to the mover, the hon. Attorney General, when will the Family Court and all its attending facilities be made available in Tobago?

In Tobago we want equal access to the basic facilities and human services that will improve the quality of our lives. Everything else is discrimination. The last time I checked, our Constitution provides for the people of Trinidad as well as the people of Tobago, equality before the law and to equality of treatment by the State and the public authorities. Discrimination on the basis of our geographic location or place of residence is unacceptable and must stop immediately.

So, the Family Court is established and section 4 vests jurisdiction in this court for all family and juvenile matters. Several disciplines and professional fields have developed around the Family Court, mediators, psychologists and other social services. One only has to visit the website of the Judiciary of Trinidad and Tobago to appreciate the extensive training and the skills that are given to staff in the court: communication, mediation, dispute resolution, handling of domestic violence, customer service, you name it.

I think the young people of Tobago also need these opportunities. The failure to implement this course in Tobago means that the reason and impetus to develop these skills there is just not present. Tobago can be made to benefit from the training in all of these areas and improve the job prospects on the island. Employment can also be created. Until more and more similar institutions like the Family Court are set up in Tobago, the island will continue to be underdeveloped in the skills and services.

The Family Court is not the only court that is denied access by us in Tobago. There are several courts, staff training and facilities that we do not have access to. We have to travel to Trinidad at great expense and inconvenience to access them. Tobagonians yearn for the time when we will come to Trinidad for pleasure and just to visit a cousin or something, not to come to Trinidad because we must come and as we say at home, “because we have to come to get matters sorted out”. That is what is happening with us now.

Mr. President, please understand this, if a Tobagonian has to utilize the Family Court, or indeed, any court in Trinidad it does not involve one visit. It involves, at times, as many as six visits, and of course on each occasion the client has to pay his/her own airfare and that of the attorney. Thus, a litigant can easily pay about \$10,000 in expenses to access the Family Court which is in Trinidad.

The court is also given authority over juvenile matters. This brings me to the situation confronting our juveniles charged before the court in Tobago. I have been informed that there is no facility to accommodate juveniles charged with offences before the courts in Tobago; male or female. They have to make each trip to Trinidad on every adjourned date of their matters. If taken up by the police they have to sleep in the police station, probably on a bench or anywhere they can take a night's rest. After that the shuttle begins, you come down to Trinidad to be kept somewhere, then you are brought back up to Tobago for your matter, back down and back up. We understand what that can do to anybody. That is cruel; it is harsh and unjust. It is heartless and not to be tolerated in a civilized society.

That is why I suggest the focus has to be put on the support of all the institutions that would be afforded any general family court. That has to be afforded us in Tobago, and we say now, because I just explained what it takes for somebody to be coming to the Family Court in Trinidad as we have none in Tobago. I showed where the expenses are, then you understand what happens to our cost of living, et cetera.

In ending, I want to congratulate the Bill, as I said before, I am in harmony with the intent of the Bill, but I also want to repeat my question to the hon. Attorney General, when can Tobago expect to have its Family Court with all of the support staff, training and the facilities that go with such a court? The same question goes for the Court of Appeal, the Industrial Court, the Environmental Commission and all other related services?

I thank you, Mr. President.

Sen. Dr. Adesh Nanan: Thank you, Mr. President. I rise to make a contribution on an Act to vest jurisdiction for all matters and juvenile matters in a

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division of the High Court to be called the Family Court and to make provision for matters connected therewith.

In reviewing the current landscape it took me back to the United National Congress manifesto of 2002, and I quote on law, order and the security of life on page 15, under crime:

“The entire nation is gripped with a level of fear, which is unprecedented in this country. Criminals have taken control of the country while the PNM government remains impotent.”

Mr. President, today, this quotation is as relevant as it was in 2002. Billions of dollars to the Ministry of National Security and still we are faced—we might even be in a worse situation with respect to the crime level in our country. If we look at the legislative framework to transform our nation into a developed country as we move to the 21st Century, we would see, in terms of the UNC's approach, it is far different from the current PNM administration.

We heard in this debate that the origin of this Family Court began with the UNC, under the distinguished leadership of Mr. Basdeo Panday former Prime Minister, and it is within this context that I will show the UNC's vision with respect to family courts and the peripheral matters dealing with the Family Court. For example, in terms of the structure of the legislative fabric the UNC administration recognized the importance of the Judiciary, and you will recall that the UNC administration increased the number of High Court judges, the number of Court of Appeal judges, more magistrates were introduced; there was an increase in the administration and support staff of the Judiciary and the Magistracy and initiated a Court of Administration Department to assist the Chief Justice.

That was the framework in terms of the legislative fabric improvement in Trinidad and Tobago under the distinguished leadership of the former Prime Minister, the hon. Basdeo Panday.

3.15 p.m.

However, Mr. President, when I look on page 9 of today's *Guardian*—and I was very horrified to see the story—"US Army aims to bring communities together"—almost the second to last paragraph, Mr. President and I quote:

"The mission has already reached out to an Arima orphanage that was described by Freytes as 'unlivable'."

Sen. Jeremie SC: By whom?

Sen. Mark: Repeat that for him.

Sen. Dr. A. Nanan: US army to bring—F-R-E-Y-T-E-S, the army officer who is reporting. Unlivable!

"We went in there and rescued the place, said Freytes, with a hint of sadness, as he described the orphans' living conditions.

Beginning on July 27, the mission will head to different centres around the country to provide free medical, dental and eye care to those in need."

I want to take the present Government, again, back to the manifesto of the UNC because it is important. It is a measure that can be introduced by the present administration because we recognized that the regiment had a role to play, and the section here goes under the "Role of Engineering Battalion (Regiment)."

"This Battalion comprises at least one-third of the manpower and most of the vehicles and machinery of the Regiment. However, very little is heard of this Battalion and very little is achieved towards the country's development.

It is recommended that due to the vast resources that they possess, the Engineering Battalion should now become involved in projects involving the construction, refurbishment and repairs of buildings occupied by non-profitable organizations, such as schools, orphanages and homes for the age and underprivileged."

So that is the recommendation that you might consider in terms of the role of the engineering aspect of the regiment.

In this debate, Sen. Drayton made reference to the incarceration centres and spoke of the need for upgrade. I also want to make reference to that particular situation because we have been informed that in matters with respect to the St. Jude's Home for Girls and the Youth Training Centre, what is happening at these two facilities—yes, there are instructors being provided, but the equipment in these centres needs to be upgraded immediately. In terms of putting the legislative fabric in place—we heard from Sen. Rahman in terms of the genesis of this problem and—we want to recommend to the Government that with respect to these situations at the centres, we need to put modern equipment as soon as possible. Also, in terms of the social fabric and maintenance and improvement, again, I want to quote from the manifesto of the United National Congress for 2002, under "Law, Order and Security of Life Law: Development of a Correctional Training Programme for Youths", another recommendation that can be utilized:

"(a) A correctional training programme run by the Defence Force in collaboration with the Police Service and Prison Service.

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- (b) Only afforded to youths under 18 years and first time convicted felons who have been charged with misdemeanors (non-violent crimes such as petty thefts, drugs use etc.)
- (c) This can replace the Youth Camps that are at present of little value to the community and the individual attending the camp."

It goes on even further in terms of the restructuring of the Civilian Conservation Corps, which is managed by the Defence Force. Again, I am quoting:

"There needs to be a drastic change in the concept of the Civilian Conservation Corps, which is managed by the Defence Force. The present format serves absolutely no benefit to the individuals involved. The programme can be altered to being a Career Training Path."

Mr. President, in this debate we heard of nuclear families, extended families and single parent families, and again, referring to the manifesto of the United National Congress of 2000, I want to make a suggestion to the Government based on the recommendation put forward in the manifesto, special employment for single mothers. Sen. Dr. Kernahan made reference to single mothers in her contribution.

"The UNC is sympathetic to the peculiar disadvantages facing thousands of single mothers throughout Trinidad and Tobago, particularly those persons in the lower income groups without adequate education and skills. To alleviate the plight of this sector of the population, we propose to introduce a special employment program targeting single mothers. Emphasis will be placed on training enabling women to operate small scale trades within the framework of developing cottage industries. Such flexi-work will present income-earning possibilities while allowing for creative forward and backward linkages. The Employment Training Programme (ETP) will initiate this programme collaboration with the Small Business Development Company (SBDC) and other relevant agencies."

A programme for special employment for single mothers.

Mr. President, I want to make quick reference to the report. I want to thank the Attorney General for providing us with the report, the Family Court Evaluation First Year Report and on page 5 on the Executive Summary of the report, Access to Justice, highlights of specific findings, there were 417 referrals to mediation and 1,336 referrals to social services. When I saw that number in terms of referral to mediation, it took me back again to the legislative fabric of the United National Congress administration and to remind the PNM administration of our Community

Mediation Act. As I was looking through the Community Mediation Act, I was also looking at the Schedule. Now, I do not know if there is an error on the Schedule or there is an error on the Schedule, because the Schedule points the Community Service Orders Act, Chap. 13:02. But when I looked at Chap. 13:02, it points to the Prison Service Act.

Sen. Jeremie SC: There is a mistake.

Sen. Dr. A. Nanan: There is a mistake?

Sen. Jeremie SC: Yes.

Sen. Dr. A. Nanan: Okay, and the Community Service Orders Act, Chap 13:06. I just want to point that out because I was looking—[*Interruption*]

Sen. Jeremie SC: It is a typo.

Sen. Dr. A. Nanan: Well, it is a big typo. It is not a dot or a—[*Interruption*]

Sen. Jeremie SC: All typos are dealt with by the Review Commission.

Sen. Dr. A. Nanan: I did not go through item by item here to check that, but I am sure that if there is an error you will inform us, again. But I was making reference to the Community Mediation Act and the legislative fabric and introduction of mediation centres, again, it is all part of the holistic approach to the structure of the society, whether at the level of the Judiciary and Magistracy and at the level of the Social Services Department.

Mr. President, the Family Court in the Executive Summary gives a time line in terms of the matters being dealt with in the Family Court and I also want to go back again to the United National Congress manifesto because this particular manifesto—I think the PNM administration might adopt this manifesto because there are excellent programmes here that would have made a difference, especially in terms of law, order and security of life. So you might need to take another look here.

Another matter that I want to deal with in terms of youth and crime which we heard in this debate about youths committing crime, and on page 22 of the United National Congress Manifesto of 2002, under "Youth and Crime", I quote:

"It is a hallmark of the disgraceful manner in which the PNM has failed our youths,"—that is in 2002—"that today many of our young people constitute the biggest threat to law-abiding citizens."

And you heard Sen. Rahman make reference to youth crime. I continue to quote:

"A special job program will be fashioned for young offenders returning to civil society after periods of incarceration. The UNC believes that jobs and

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social rehabilitation must be integrated. We will link the focus on managing conflict and managing life."

So not only were we dealing with the matter with respect to the legislation before—

Sen. Jeremie SC: Sen. Dr. Nanan, would you give way?

Sen. Dr. A. Nanan: Sure.

Sen. Jeremie SC: You were making a point before you started to read from the manifesto about the UNC's community mediation statute, but you never developed the point. What was the point you were making? You sent me to the First Year Report which says that 417 cases have been made out to mediation, then you spoke about the proposed Community Mediation Act, what is the nexus between the two?

Sen. Dr. A. Nanan: Sorry, Mr. President. I thought hon. Attorney General, you would have been able to extrapolate, but let me clarify. What I was showing with respect to the Community Mediation Act is that the concept of mediation was part of the United National Congress administration, and it was part of the whole legislative fabric. *[Laughter]* So that is why I made the reference to these mediation—but back to youth and crime because that is very important. *[Interruption]*

Sen. Jeremie SC: *[Inaudible]*

Sen. Dr. A. Nanan: But the concept. The concept—*[Interruption]*

Sen. Jeremie SC: The concept there is of the—*[Inaudible]*

Sen. Dr. A. Nanan: But you could make reference to it, if you want to in your contribution, hon. Attorney General. But I just made reference to it in showing the division of the United National Congress in terms of mediation and the whole concept. I do not want to go into a discourse on our crime prevention, but probably I should go there, Mr. President, just to highlight some areas because it is important in terms of law, order and security of life.

I want to point out to the Attorney General that in this manifesto on page 16, you may need to take a look there because we were dealing with penalties, and the UNC will introduce legislation to increase penalties to life imprisonment, for kidnapping, rape, incest and armed robbery.

Sen. Jeremie SC: I thought you did not *[Inaudible]* kidnapping.

Sen. Dr. A. Nanan: So, that is not our manifesto of 2002. So you mean in terms of our policies.

I am going back to under "Law, Order and Security"; I think what is important here on this particular area is the matter dealing with providing available equipment. Now, I do not know if the Government has introduced any equipment for detecting drugs in motor vehicles and other containers.

3.30 p.m.

It is in the advanced visioning of the UNC that we are dealing with the holistic approach to crime fighting. It was in our manifesto, and you have implemented such a policy; it is just that you have not been able to show any concrete evidence.

This is in the 2002 manifesto:

"The UNC will make available to the police proper fleet of working boats or other appropriate sea fleet to be used when required for drug interdiction."

Part of the breakdown in our society is because of the infiltration of drugs. Another important area is the gathering of information. Intelligence:

"Adequate sums of money to be provided for the gathering of information and training suitable personnel."—and the biggest bug-bear—"A programme of rebuilding and/or repairing as necessary."—police stations.

I was shocked to read, and I do not know if anybody would dispute that, about police posts being closed, when citizens are trying to access these police posts.

The other area in terms of this matter is with respect to photography. I do not know if there has been any upgrade of photography in the police service. Our manifesto states:

"Modern training to be provided and state of the art equipment supplied."

Of course, I will just make a quick reference to the scene of the crime, because the detection rate in this country is appalling.

On the issue of scene of the crime, the manifesto states:

"many more officers to be trained in protecting the scenes of crimes and supplied with state of the art Equipment."

Even down to the level of fingerprinting:

"Fingerprint experts to be exposed to modern techniques and provided with state of the art equipment."

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I do not know if in the police service there have been any upgrades in terms of fingerprint techniques, because I saw recently where they were still using powder at the scene. I do not know if they have introduced state-of-the-art equipment. We have heard of many proposals and many consultancies, we are still not getting any results. I just wanted to make a quick reference to that.

I want to quickly talk about the introduction of the breathalyzer; that was also in the 2002 manifesto. Those are the peripheral areas that this particular Family Court Bill points to.

Mr. President, if you look at the history internationally in terms of Family Courts, dating back to 1962 in the United States, and what has propelled the movement towards Family Courts, is the abuse of children. You had the situation with respect to human rights and the abuse of children. Various Acts came in to assist where there was that loophole, and they arrived at the Family Court.

Going back to the Executive Summary, I am not sure about the roll-out plan for the Family Court. I think the Attorney General needs to give us some kind of time frame and the locations. Is it going to remain concentrated in our cities or are we going to see a more widespread approach to the Family Court? The pilot project did not point to the expansion process. I think the Attorney General needs to clarify the expansion of the pilot project, if he could. I just want to make reference to the Environmental Commission. *[Interruption]*

Sen. Jeremie SC: Mr. President, the pilot project was overseen by a Monitoring Committee. That committee has produced a roll out plan, which gave birth to the legislation that is before us.

Sen. Dr. A. Nanan: So the roll-out plan includes the utilization of more Family Courts in the outlying districts?

Sen. Jeremie SC: With respect to the exact location of the courts, the parts of Trinidad and Tobago the courts in which they are to be fixed, there is some indication in the roll-out plan as to where the concentration would be. It would be around large concentrations of people: South Trinidad, Port of Spain and Tobago, but apart from that I think there is a proposed one in Sangre Grande as well. They are really in charge of the time lines and the processes which would give rise to making those things a reality.

Sen. Dr. A. Nanan: Attorney General, in terms of the budgetary allocation, I did not see any budget for the 2009 financial year with respect to this particular roll out plan, that was why I asked the question about budgetary allocation. Is there some other variation of appropriation to deal with this particular measure?

Sen. Jeremie SC: The project has its genesis in a collaboration between this Executive and the Judiciary. As the need has arisen over time, we have collaborated; we have sat and listened to the Judiciary in terms of what their needs are, in terms of staffing. They would provide, for example, occasionally, a list of maybe 100 to 150 positions, which have to be filled. We would then ensure that funding is put against those posts. I cannot tell you whether the funds are identified by the Ministry of Finance in the Judiciary vote or in the Attorney General's vote, but the point is that they have never lacked for funding.

Sen. Dr. A. Nanan: That is surprising, because we see the performance of the PNM administration with respect to the Chaguanas Magistrates' Court and the wastage of money there.

The other matter deals with the roll-out plan, with respect to a young offenders' court; I think that was in the UNC manifesto. In terms of that particular direction, is the Government looking at a young offenders' court?

Sen. Jeremie SC: That has nothing to do with the Bill which is before us, specifically. We are looking at a court for drug users and a young offenders' court. There is a special Criminal Courts Committee which has been set up, running alongside the work of the Family Court Committee, and they are looking at all aspects of justice on the criminal side. So that there is some work going on; maybe you are not hearing about it, but there is some work going on.

Sen. Dana Seetahal SC: Can I intercede here, with the leave of Sen. Dr. Nanan. Is it that outside of the Family Court, which is to take over the criminal matters—which would be most criminal matters, juvenile matters—there would be a separate young offenders' court; is that the intention?

Sen. Jeremie SC: It is just something that is being looked at; it does not take away from what we are doing today, but it is being discussed, I understand, by the Criminal Court Committee, which was set up initially to look at the more serious offences in relation to adult crimes, that is to say, kidnapping—it was kidnapping at the time. Its remit was enlarged to deal with gang and homicide related offences, but it is looking at the criminal justice system holistically. It is also looking at matters which are before us today. It does not derogate from what we are doing, but it is looking at those things.

Sen. Dr. A. Nanan: In terms of your roll-out plan, Attorney General, we have not seen it, but could you give us some idea of the number of judges required and where the judges would be coming from to the Family Court? I do not know if you said it in your contribution.

Sen. Jeremie SC: I cannot say at this point in time; it would be the subject of collaboration with the Chief Justice and the Judiciary. There are some figures which have been proposed, but nothing is set in stone. That is all I would say for the time being. Have you noticed that we have increased the numbers, both downstairs, I think, and upstairs? We gave permission recently to do that, before I came back.

Sen. Dr. A. Nanan: Thank you, Attorney General. Before I went in that particular direction, I also made reference to the Environmental Commission, which is also a superior court of record, which is similar in structure to a Family Court. Again, the situation with that particular court is that we have not seen the benefit of the Environmental Commission acting as a superior court of record, in terms of helping with the environmental issues in our country.

We are very concerned with this particular roll-out plan; not because of you, Attorney General, but because of the Government's performance. We know that this is a very good programme and we want to see it succeed. That is why when we ask questions about the staffing of the court and budgetary allocation, it is because we have seen in other ministries and in other areas where there are paper transactions and the money has not been allocated, and coming to the end of the year ministries are in a bind and programmes are stifled.

Sen. Jeremie SC: Thank you, Senator, for giving way again.

The point is that I am not here to defend the performance of the Government in all areas. Obviously we are not perfect and there are some things that we can do better, but in relation to the Family Court you have to give credit where credit is due. This is an area where we have done very well; that is borne out by all the records. I have only been able to provide you with the reports from year one and year two of the pilot project. You have reports from years three and four, which are equally complimentary, in terms of the performance of the court, but those are not ready for publication as yet, but I have seen them.

This is one area where resources have not been a problem and the court has functioned well. This is one area in which the Judiciary and the Executive have collaborated to ensure that families have achieved justice. You can ask us what is happening in other areas in relation to the criminal justice system; that continues to be a work in progress, but give credit where credit is due. This is an area where we have succeeded.

Sen. Dr. A. Nanan: Attorney General, it is very difficult for me to give credit, because of the situation, when I pan the entire environment and the state of our country.

I want to move on, before I close, on a matter that was raised by Sen. Drayton, dealing with the Secondary Entrance Assessment and the trauma to students. It has been brought to my attention, and I am sure somebody would clarify on the Government side, something with respect to this particular exam. For some reason, in this particular year, there has been a change in the marking of the examination and ranking.

I have been told, I am not saying it is so, that normally they would use the composite score with respect to ranking students. There is a lot of whispering taking place with respect to now utilizing a gross score. I want the Government to clarify that particular matter. Why are you using the gross score as compared to the composite score which they used before?

Mr. President, that is all I have to say with respect to this particular Bill. I thank you.

3.45 p.m.

The Parliamentary Secretary in the Ministry of Health (Sen. Wesley George): Mr. President, I rise to give my support to this Bill to establish the Family Court and jurisdiction of matters of the Family Court. I begin by putting this debate and this Bill we are discussing here today in its proper context, because I feel that during the course of our discussions I think the discussion went along a particular line that I am not sure the drafters of the Bill had intended for it to go.

Some three years ago at the PNM convention, the party agreed to an approach to governance to developing the country and the theme of that particular year—and I believe that is still our underlying theme today with respect to how we approach the development of the country. We had agreed that we would develop and build a strong nation by developing and building strong communities and we would do so by supporting and promoting strong families.

So the Bill before us today is not a response to crime; it is not a knee-jerk reaction to the symptoms of something that is before us; it is something that is very emotional to us, because unlike other administrations, other governments, this PNM Government does not plan or bring forward legislation based on what we see in the newspapers or what we hear in the media; we do so on the basis of a plan and guidelines and a clear-cut path for an objective to be reached. That objective is developing our nation and attaining developed nation status by the year 2020.

If one were to take a look at our Vision 2020 document, a document that actually is the product of actions that were taken when the party was in opposition in the year 1994, where we went around the country and we engaged discussions

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with several stakeholders, coming out of which we put a team together and advanced to the nation a developmental plan and we said, “This, according to you all, are your issues and this is how we plan to approach these issues.” And one of those issues was family life and development, not in the context of crime but in the context of quality of life.

Some mention has been made as it relates to how Government has supported families; how we have approached or—well, I believe the intention—you know, you get the feeling that—I think it was Sen. Rahman who sought to create a picture that this Bill and to a wider extent, the PNM, has not done anything to support our families in any meaningful way. Well, like how we have approached most of our problems, crime included, this Government has, since putting forward that approach three years ago, sought to put families on the front burner and we sought to do so in a holistic way by expanding the housing programme.

When we decided to expand the housing programme, one has to look at it in the context of, not simply providing a physical structure to put people in, I think one of the key differences in the way we have approached that housing programme to how other administrations had done it, was, I think, we decided to provide affordable housing, not necessarily low cost housing. If one were to take a look at some of the developments that are coming out today from the HDC, there is not only an emphasis on simply providing good quality homes, but good quality communities to our citizens.

We have heard a lot today about the environment in which some of our young people live, in which people have to live today and how that affects their behaviour that results in crime and so on. Government then, very deliberately, with these things in mind—

Sen. Dr. Nanan: On a point of order, Mr. President. Standing Order 35(1), relevance.

Mr. President: Well, I was wondering where the Senator was going myself, so I would ask him to somehow make that relevant to the Bill or talk about the Bill. Okay? This is not a debate on housing.

Sen. W. George: Mr. President, I was simply responding to comments that were made during the course of the debate, but I would move on.

The Government supported families by economic expansion. We decided to make sure that families were in a position to make enough money to eat when the day comes, in a legal way and not have to resort to criminal activity. We sought to improve—and coming from south as it relates to family life and quality of family

life in the country—the transportation arrangements. Not only that, because when you have a situation where someone leaving anywhere in south, leaves home before 6.00 and gets home after 6.00, when you look at the amount of time that they interact and spend with their families, it is very small and that would lend to some of the issues and problems we have with young children and quality of family life. That causes, at the end of the day, this whole issue of the Family Court to become so relevant. So in putting things in context, this court is not just an initiative, a stand-alone initiative, but is part of a holistic programme to support our families and, in so doing, build stronger communities and move our nation towards developed nation status. [*Desk thumping*] That was the point I was trying to make.

Mr. President, I think we do not need to go far or produce research that far, look that far to see the need to support our families. I really want to commend the Bill from the perspective that it seeks to hopefully prevent or curb this spate of divorces in our country. What I find frightening as a young person is that the whole issue of divorce is almost passé in Trinidad and Tobago. It is all right to get a divorce. It is almost—there is no consequence. No one really wants to fight for their families anymore, and I have a little problem with that, especially among young people. It is okay. A lot of them are saying, “You see me? I am not going through that.” And at the first sight of trouble, you just run to the court and get a divorce.

When problems arise in marriages, as they do, traditionally you would usually fall back on family support, or where mediation is required usually, in our country the traditional thing is that the religious bodies would provide such a service. However, one has to, I think, take into consideration that the quality of family support that was forthcoming years ago, probably, really and truly, is not as forthcoming today.

Apart from that, with the decline in persons leaning or having a great interest or relying on our religious institutions to provide these kinds of services, you would find that the mediation services that would be provided by such a court today is really one that is relevant and timely, when we take into consideration the need to save our families.

We need to find a way to encourage people, especially young persons, getting married today, to talk things through. You know, we talk about the beginning with the end in mind, and I find too often that for some reason when problems arise in the families, men have very little constructive outlets. You often feel as if the whole world is against you. Because what happens, we all know, you cannot out-talk the wife. [*Laughter*] She has a lot of support there, because it is mother-in-

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law, it is sister, everybody gangs up against him and then, traditionally, what happens is that more often than not, he finds himself in an environment that is not constructive and that is the rum shop. I do not think anybody could argue with me that we have a little more rum shops in Trinidad and Tobago than we really need. There is a rum shop on every corner.

This Bill seeks to provide an environment for mediation that will allow both parties, or all parties, to feel a sense of justice, to get a proper hearing from an objective party and avoid all the problems that often arise in situations where one party feels as if they are not getting their just due or equity is not being met in the circumstance.

Mr. President, the problems that are being experienced by families are what, in most times have been causing the increase in juvenile offences. But in my opinion, I would like to think that is not the main problem. The breakup of the family is not really the main problem when it comes to the type or the increase in severity of some of these offences we are seeing today by our young people, because I could talk from experience.

My parents were divorced when I was quite young and I have a lot of friends who also come from single-parent homes and I cannot identify at all with some of the ideas, some of the conversations that some of these young people have today. Why is that? Because although I came from a single parent home—my mother was one of those persons who left before 6.00 and got home after 7.00; yes, I did give trouble, but mind you, my mother ruled the house. She knew where I was at any point in time. Right?

I think what we are experiencing here is a change in the paradigm, the concept of how parents see themselves; how they see their roles and I am not sure if I were to engage Sen. Rahman as to how we as a government could really legislate that. How do you legislate that? I have some personal experience with that.

4.00 p.m.

When I was in Cadets in school, as a matter of fact, I got involved in Cadets and it had nothing to do with what I liked. My mother told me, "Yuh have to go." After the first day I came home and told her, "Mummy, I really doh like dis Cadet ting." She said, "Well you cannot afford to know what you like and wha you doh like. So long as I feeding you, yuh have to go." I went and I stayed in Cadets for my whole secondary life and I am a better person today because of it. [*Desk thumping*] During my time there, we had the responsibility of recruiting. We would hold open days and do exhibitions for parents and try to recruit. When

parents saw the benefits of it, they encouraged their children to go then. Again, after the first day in the hot sun and they cannot handle the hard work, they would go back home. The parents would send a letter, "Well wha ah go do? De boy doh like it. Ah cyah force im to do it." You get that a lot.

I was involved in a youth group in the community. We were engaged in a number of different things. We would go to parents and tell them, "Listen, yuh child partaking in activities that not right." We want to help. This is how we can help. Parents will tell you—you would get either one of two responses. They would absolutely ignore you. They would say, "That is not true. My child good. You doh know what you saying." Or you would get the sort of answer that suggests, "Well, wha yuh want me to do? Ah could make de chile, buh ah cyah make dey mind. It eh ha nottin I could do about dat.." A cop out.

I was often of the opinion that if we want to see a change in the problem as it relates to juvenile delinquency—it is changing now, maturity and so on. I often felt that in order for us to treat with that problem as Sen. Rahman put forward, was to start locking up some parents. I felt that once you start holding them responsible—the day we start holding parents criminally responsible for some of the things that their children do, you would see a difference. I think Sen. Rahman—then, apart from legislation you need to enforce, when you start locking them up, "dey fraid dat".

When you have parents preferring to go to a party rather than doing homework with their children, I do not know how can you legislate? What do you want me to do for that? I came from a home—I saw some of my friends' parents took no-pay leave to sit home with their children during exam time. Single parents forfeited a month's pay or two months' pay to ensure that their children got a good education. Today, when children come with bad reports, do you know what the parents say? "The teachers not doing their work. Dah is de teacher wuk." I am saying that is not "de teacher wuk". That is what I was taught. That is the upbringing I have. If your child cannot read it is not the fault of the teacher in school. It is your fault. You do something about it.

I saw my mother, a single parent, I say it again because we often use this as an excuse. I was not rich. We were from rich humble background. My sister was not doing well at school. She started to get involved in all sorts of nonsense when she went to school. My mother did not take that just so. She went in school as she did, all through the years and gave the teachers instructions. She said, "Listen I doh know what you all does do, but I give you instruction—" Well I would not—to beat this child. [*Laughter*] Go ahead. Do whatever you have to do. I give you free

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rein. It did not work. The grades were still rock bottom and she was still coming to school late, despite our best efforts. Do you know what she did? She moved her out of the school and put her in the school I went to, Fyzabad Anglican. Within a term the grades skyrocketed. She was an "A" student. Today, she has a first-class degree from the University of London [*Desk thumping*] as a result of proper parenting by my mother as many parents do and have done. She took an active role, responsibility for what went on with her children.

Sometime ago, I had a conversation with one of the managers or directors of the St. Michael's Home For Boys. She was very emotional about some of the circumstances that caused these young boys to end up at that institution. To summarize everything, she told me about this one child in particular. Normally, the boy is a wonderful and loving child, but when you put him in certain situations he gets so angry. Many of them there are so angry for no reason whatsoever. She said that she asked herself what could cause a young boy 10 years old to beat his mother and want to chop his father and things like that. When you listen to the things they say and how they interact with each other, it speaks to their socialization. One has to question the quality and what goes on in those homes.

I raise the point because a lot has been said with respect to juvenile delinquency. I do not want to repeat it, but I get the sense that with respect to those extreme cases and as they say in local parlance, "de child real bad", we have a tendency and I see it all the time to want to shut them away, move them away in a sense and put them where we cannot see them. I often wonder what happens to that child after that. In my interpretation of things, you practically shut down that child's life.

In Trinidad and Tobago, it is hard to get over being institutionalized at any age. It is very difficult getting over that stigma. For young males when they come out from an institution and they have to go back to perhaps, the same village or surrounding where people know them, the people never let them forget that they were in that institution. In their minds, "you always bad". It does not matter what they do, they always bad. It does not matter how they try to shake it off. In Trinidad, we have a culture to hold you to that stigma. I understand the sentiments about homes and expanding the homes, but I have a little problem with the ease with which we put forward expanding these homes as a solution.

I am of the view, that as caring, responsible and forward-thinking legislators that we seek to find another solution. In other spheres for example, I can speak to the Ministry of Health, we have found that as it relates to mental health, studies have shown that the model of asylum does not work. In so doing, they have

advanced to the ministry and we are currently looking at it, a model of mental health that seeks to provide treatment and rehabilitation closer to communities within communities. The key thing it does is that it seeks to avoid the whole stigma of being associated with a mental health activity.

During my experience in dealing and treating with young people, I have found that there are many NGOs, youth groups, you name it in Trinidad and Tobago. There are many people who genuinely care about the well-being of young people. I will like to see us in a more holistic way empower those groups, NGOs, institutions, schools and churches and try to get them involved in the restoration of those "bad children". Let us do it in partnership with the families. After they come out from these homes they have to go back to the same dysfunctional families. In that one common space the Bill seeks to provide that service where the family is involved in the mediation and counselling of the child and the family members also benefit from the mediation and counselling services provided.

In a sense, the model of this Family Court seeks to provide or is on the right track as it relates to restoring families, giving them a second chance and treating with some of the problems that come with juvenile delinquency and juvenile problems. In my view, the Bill before us seeks to give families and juvenile delinquents, if you want to call them that, a second chance at life to get it right and do so in a way that they can move on with their lives, without having the stigma or pressure of society on them.

For example, one of the things that seeks to provide that in the Bill is the non-publishing of names and, to a lesser degree, the clause that suggests that the court should not sentence juveniles. That is one of the key features of the court that would move us in the direction that we want to go as it relates to family life and juvenile delinquency.

Thank you. [*Desk thumping*]

The Attorney General (Sen. The Hon. John Jeremie SC): Mr. President, I wish to thank all the Senators opposite both on the Independent and Opposition Benches, who for the most part have made very useful contributions on this important debate. This afternoon, I will take the opportunity to speak to a few of those contributions. Certain other contributions I propose to deal with on the next occasion. Some of the contributions I intend to incorporate in terms of an actual amendment to what is before us.

4.15 p.m.

I would begin with Sen. Nicholson-Alfred who was, I believe, the last Independent Senator who spoke. That Senator's contribution was restricted, not to the

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mechanics of the Bill itself but to certain exigencies, which exist on the ground in Tobago. I have taken note of her concerns. I was not aware of many of them. I know, for example, that there is in fact no youth facility in Tobago, but I was not aware of the consequences of that fact, so I thank the Senator for bringing that to my attention. I intend to speak to the relevant Minister and I will have something worked out. My understanding is, in any event, that it is envisaged that there will be a functioning Family Court, in the sense of a division of the court, in Tobago, as there is a functioning High Court in Tobago. I do not know how often it sits. There is also a Court of Appeal, which sits in Tobago from time to time. I know that it has sat in Tobago from time to time. Of course, the Magistracy is a feature of Tobago life. I will endeavor in discussions with the Chief Justice, to ensure that the needs of Tobago are adequately met.

Having said that, I can turn to Sen. Oudit who is on the Opposition Bench. There are a number of things, forgive me, and I intend to speak to everything that everyone spoke about, because my ambition is to get everyone to vote for this Bill. That is my ambition. I might be an optimistic, but it was their Bill, so I am going to put their Bill before them and ask them to support it. That is the best that I can do. If there are certain objections raised on constitutional grounds, I would attempt to meet those objections. I cannot rework the Bill, in the sense that I cannot rework it fundamentally, but I can take into account some of the suggestions which are made. I can explain some of the queries which have been raised.

Sen. Oudit contributed in the debate. She had a difficulty in terms of the use of the word “client”. She wondered whether in the Preamble, reference should be made to client rather than customer. The thinking is consistent with the whole rationale for the Bill and for us having a separate Family Court procedure and process. The term “client” speaks more to the straight list attorney/client relationship. What we are trying to do is to shift away from that, so that we move away from that formal setting, as far as possible, so that the reference is to customer. We think that is better suited, as it connotes a customer relationship and services, which are due to that customer. That is we are seeking to do. We are seeking to move the philosophy of the Family Court away from the confines of the traditional courtroom. That is the answer to that.

Sen. Mark in his style chose to focus on the Preamble to the Bill. He wondered as to the role of the Preamble and he saw in the lengthy Preamble, it is only a few clauses, some injury in that and he wondered whether there was some private sector involvement in the making of the Bill, because of these four “whereas” and the enactment which followed immediately thereafter.

I want to tell him that the Preamble here serves the purpose it serves in every piece of legislation, first of all and, secondly, that there was no private sector involvement in the Bill. I have researched it. There is no private sector involvement in the Bill. It is not to say that if there were, that would be a bad thing. My policy would be to encourage greater use of the resources of the State, unless you sought private attorneys to do drafting in particular. Yes, we have need for private attorneys in the litigation departments of the State, but I would seek to minimize that, in terms of the drafting department. The Preamble explains the history of the mischief to which the Bill is addressed and factors leading up to the passing of the Bill. It is a recognition that this Bill is one which came about due to extensive work and is the result of a tri-process; the work of the monitoring committee. That is all that the Preamble seeks to do.

In Sen. Dr. Kernahan's comments there is a mirror here with Sen. Oudit. [Interruption]

Sen. Mark: "Yuh finish with me?"

Sen. The Hon. J. Jeremie: For the time being. "Doh worry." I am coming back to you. Do not worry, I am going to treat with each of them *ad seriatim*. I am knocking off the more—[Interruption]

Sen. Mark: The weak ones.

Sen. The Hon. J. Jeremie: I do not want to call them weak, because nothing from you is ever weak, but the less trivial ones.

Sen. Dr. Kernahan and Sen. Oudit spoke to clause 4(5) of the Bill. That clause, you will remember, states that no terms of imprisonment shall be imposed by the Family Court in relation to a juvenile matter. In terms of imprisonment it should not be imposed on any person under the age of 14. There is recognition that certain sanctions do not always assist in the rehabilitation of offenders. What we are seeking to do here is to follow international best practice. International best practice has been to ensure that recidivism does not occur by providing alternative to sentencing. When dealing with the particularly young, you do not wish to expose that class of individuals to what we call hard time, because they go into prison and they become members of gangs. That is the reality. If they do not, at the age of 14 or 13, belong to a gang, they go into prison and they are recruited into a gang.

The Children's Authority Act provides for any sentences of imprisonment to be served in community residences in detention and also provides for alternatives to detention, as well as other things to accompany detention. In fact, if one

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examines section 99 of the Summary Courts Act and section 127 of the Summary Offences Act, there is provision made for children to be dealt with in a particular matter. Under the Summary Offences Act, the magistrate is empowered in summary matters to impose a lesser penalty, where the person convicted is a child or young person under the Children Act. In fact, the magistrate already had the power to impose a lesser penalty other than imprisonment and this power is simply being translated to the Family Court by this Act.

In the Summary Courts Act, we provide that where a child is charged with a summary offence other than murder and manslaughter, the matter would be dealt with summarily.

Further, where the matter is an indictable offence with which the young person between the age of 14 and 16 is charged other than murder and manslaughter and the court is satisfied that the matter should be dealt with summarily, even though it is an indictable offence, we can ask the young person if he wants to be dealt with summarily or by a jury, explaining to the child and the guardian the distinction between the two. The court is further empowered by subsection (7), where a child or young person admits to an offence or if the court is satisfied that it is proved, the court may, in order to obtain information on the child or for special medical attention to be administered, remand the child or young person on bail or to a place of detention under section 84 of the Children Act. Further the Children Act provides by section 78(2) that a young person shall not be sentenced to imprisonment for any offence.

The corpus of our laws, the main body of our laws, if you take this particular piece of legislation out of it, seems to suggest that the law has always provided that children between the ages of 14 and 16, defined as young persons, would not be sentenced to imprisonment except in certain circumstances. What we are seeking to do here, is to correct an apparent anomaly that exists in respect of children under the age of 14, under the Children's Act, Chap. 46:01, where there is no express provision made.

Sen. Seetahal SC raised a question on the proceedings being held in camera and whether a constitutional question arose as to freedom of the press and freedom of expression in prohibiting the non-publication of facts of the matter or the name of the person where a child is involved. What we are seeking to do here is to balance the two rights given under section 4 of the Constitution in subsections (c) and (k) thereof. Section 4(c) of the Constitution provides under the guaranteed rights, these are rights enshrined:

“(c) the right of the individual to respect for his private...life;

(k) freedom of the press.”

We think that we struck the balance correctly in protecting the identity in the interest of the child. In other jurisdictions, court proceedings in relation to children, both not on the criminal and on the civil side—I speak here of the United Kingdom—children are protected by the use of an initial or a letter. You would have a case which is titled *Re: A (Minor)*, which deals with—you do not know who the child is but that case would deal with the State taking possession of a young child, making that child a ward of the court in circumstances, where there may be parents of a particular religious persuasion. The State takes possession of the young child for the purpose of administering treatment, which the parent would not consent to. We do this here without the formality and regularity, in respect of which they do it in the United Kingdom.

During my last tenure, I remembered two cases in which we took children from parents and actually had to give them blood transfusions. Regrettably, in both cases, the children perished, but you can see the need to protect both the child and the family in circumstances such like that. You do not want the child or the family to be subject to the ridicule of their neighbours. Trinidad is a small place.

In respect of this particular piece of legislation, we feel that we have struck the balance correctly, in terms of protecting the privacy of the child. We feel that we are balancing two competing constitutional rights, but we are not infringing the constitutional right to the freedom of the press.

Mr. President, I would pause there and run on the next occasion with the leave of the leader.

ADJOURNMENT

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Thank you, Mr. President. I beg to move that the Senate do now adjourn to a date to be fixed. However, there is a matter that we may need to return to, which is intended to be debated in the other place on next week Wednesday. In those circumstances, it is my intention to come back on July 28, 2009 and deal with that particular matter. As soon as there is information available to the other place, we would ensure that it is available to Senators as well, so that we would get the widest opportunity to look at that matter. That, notwithstanding, it is my intention for us to adjourn to a date to be fixed.

Mr. President: Hon. Senators, I have granted leave for two matters to be raised on the Motion for the Adjournment, but it is 4.30 p.m. so we would take the

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tea break and we will resume at 5 o'clock. The sitting is now suspended until 5 o'clock.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Energy and Non-Energy Sectors (Status of Revenue)

Sen. Wade Mark: Thank you, Mr. President. The first matter deals with the status of the country's revenues in view of declining income from the energy and non-energy sectors. In the absence of a mid-term review of the country's revenues, it has now become necessary for the alternative government to seek a status report on the country's revenues.

We were promised by the Minister in the Ministry of Finance, the Energy Minister and the Prime Minister, to have a mid-term review of the State revenue position presented. [*Interruption*] This is what I recalled. As I said, it is very important for us to look and to get from the Government the exact numbers in the context of declining revenues from both energy and non-energy sources. We will also like to know, in those circumstances, what is happening to the Heritage and Stabilisation Fund insofar as savings are concerned.

There are some key determinants of revenues which we need to take on board. We need to look at prices; at output and, of course, the taxation system. We know that the taxation system remains stagnant as we speak, but there are some challenges in the area of prices and output. We need to know from the hon. Minister in the Ministry of Finance, the average prices for oil export over the last few months, and the average prices we have received for gas export.

We also need to know, as we look at the status of revenues, what is the true picture of oil production in this country. Has oil production been declining? It is my information that there has been a steady decline in production in the oil sector. Two years ago, oil production stood at approximately 145,000 barrels a day. The latest information I have received, based on my research, is that the current production is 110,000 barrels a day.

Now, this collapse or decline is certain to have a negative impact on this country's revenues, since oil accounts for some 40 per cent of the country's revenues and natural gas accounts for some 60 per cent of the country's revenues. Therefore, it is very important that we take account of the falling prices, as well as falling output, of both commodities. As such, we would need to get from the hon. Minister in the Ministry of Finance, what is the outlook.

First of all, what is the state of the oil prices? We know there is some volatility in the oil market today. What is the outlook and what is the impact on Government revenues? On the gas side, we would like to know and in fact, we want to look at the gas side in two areas: LNG and the whole question of petrochemicals; the NGC and the whole domestic gas sector.

We know that because of the global economic crisis, the Government had initially in its budget, targeted a price of US \$4 per 1,000 cubic feet for natural gas, but they revised that to \$3.25, and that is at the well head.

In fact in today's newspaper the price of natural gas was being traded at 3.263 per 1,000 cubic feet, as at today's date.

Sen. Browne: Where?

Sen. W. Mark: Well, that is in New York in the United States, the Henry Hub. I want to clear the air of well head price, as opposed to the market price. There is where we have a conundrum in terms of our revenues. I would like to indicate that we know that the Government has in fact been diverting the sale of their LNG to markets in Europe and Asia, hoping to gain higher prices for the commodity, which is a good thing.

We also understand that both in Europe and Asia, prices have begun to decline and therefore, the realized price of LNG export to those markets, we need to address. We must never forget that the well head price is about 40 per cent to 50 per cent of the market price. When the Government budgets at US \$3.25 or when the price of LNG is being sold or purchased at US \$4, as it is at this time on the United States market, we are really fetching US \$2 for the \$4 in the marketplace.

Therefore, Mr. President, it is very important for us to be informed, as a nation, how is that impacting on the Government revenues in this country. First quarter has gone, no report; second quarter has gone, no report; we have gone through the third quarter and yet still there is no report. This question of the price of LNG is very critical to our economy and sustainability.

In terms of the domestic market, we recognize that there is crisis in the petrochemical market; ammonia is down. It was about US \$700 a couple of months ago; it is less than US \$150 or thereabouts at this time. I think it has gone to US \$300 or thereabouts. In case of methanol, we understand it, too, was about US \$700 per metric ton; that too is down to less than US \$200.

So, these commodities, in terms of the revenues that we can derive from them, are impacting negatively. We know that the NGC is under some stress and some

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strain. In the *Business Guardian*, Thursday, July 09, 2009, the new boss of NGC, Mr. Andrew McIntosh, says that:

"Given current commodity prices, NGC will be hurting in 2009."

So, NGC is in trouble. Whereas in the past they used to make available to the Government over \$2 billion in revenues, we understand that this fiscal year 2009, the NGC will not be able to provide the Government with any large amount of profits. If the Government gets \$150 million from the NGC, I understand they would get a large amount of money. Therefore, Petrotrin is on a slide in terms of losses, and we understand NGC is in trouble, in terms of losses.

It is in that context, we also have to deal with T&TEC. T&TEC owes NGC close to \$1 billion—as we speak right now—for the last two years, that is March 2005 to December 2007. Although I understand they have now begun to pay as they receive gas, but there is an outstanding balance of \$1 billion owed to the NGC. What is also important for us to note is that NGC has a huge gas surplus. It has contracted gas for which there is no market and for which NGC has to pay. They have a contract with British Gas and also EOG resources. It is in those circumstances, NGC could face a serious cash flow problem.

We have raised this matter in order to get from the Government a position on the revenues of our country. We know that there is a drop in economic activity in the energy sector. We know that critical industries have been shut down for maintenance, whether it is Titan, Mital and others; they have shut down their operations. We have a crisis involving NGC, that apparently has contracted and purchased gas, and they cannot sell the gas because there is no customer to sell the gas to.

What is happening in those circumstances is that NGC is being called upon to pay these multi-national corporations that have sold NGC gas. Whereas we were expecting many activities in the energy sector, only one petrochemical plant has been constructed in the last year. There is a decline in investment in the petrochemical sector in Trinidad and Tobago, as we speak, because of the negative impact of the energy sector, not to mention the manufacturing sector where there has been a decline in activity, because of the state of Caricom and the Caricom market.

So, overall, Trinidad and Tobago is in some difficulty and is facing some challenges, but because we do not have the numbers, we do not know what is the state of play. We do not know whether Trinidad and Tobago is in a healthy financial position. We do not know what is the state of our revenues. This is why I

brought this Motion, so the Minister in the Ministry of Finance can share with the national population, the status of the revenues of this country, given the decline in both the energy and non-energy sectors. I believe that the hon. Minister owes the country, the people, and the Parliament, a report on what is happening.

Mr. President, as I said, the taxes from the oil and the petroleum companies have come in for the first quarter, that is October to December. Revenues have come in for January to March, and revenues have come in for April to June. Three quarters have passed, they were supposed to do a review to tell us what the position is, but so far, no information is forthcoming.

So, I am calling on the Minister in the Ministry of Finance to tell the population today, what is the true state of play as it relates to the revenues of our country and whether we would have to go into further downward adjustment, given the circumstances.

I thank you very much, Mr. President.

5.15 p.m.

The Minister of Trade and Industry and Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne): Thank you, Mr. President, for the opportunity to respond to Sen. Mark.

It is well known about our economic fortunes and what our economic circumstances are and the difficulties that have been experienced on the international market. We read about this every day in the press, but one of the difficulties we find in economics is determining when the worst has passed, in fact, determining when anything has passed. Because economies move in cycles and it was unlikely that the heady days of 15 years' growth as we have experienced and the consistency of the rate of growth, certainly over the last seven years was likely to have continued for any indefinite period.

This is standard in cyclical economics and certainly in capitalist economics that we do have cycles and cycles are as much as about going up as they are about coming down. But just for the record, and I would invite Sen. Mark to read the comments which were made by the Governor of the Central Bank—the remarks that were made yesterday as reported in the press today—with regard to the operations of the Trinidad and Tobago economy. I think his words to the effect were, “Trinidad and Tobago is not in recession”. If I am not mistaken, the comment which was made by the Minister of Energy in Qatar was that the period of adjustment that we are all going through is but a blip on our economic radar

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screen. So too, I must say that at today's date more than the shoots of green are beginning to show. The IMF report presented at the G8 Conference last week, Chief Economist, Oliver Blanchard as reported in Reuters had this to say:

“This leads us to predict that while the world economy is still in recession, the recovery is coming but it is likely to be a weak recovery.”

In other words, we seem to have passed the period where the graph is trending downwards, and it certainly seems to have bottomed out and is strengthening upward but not sharp. It went on to make a number of other points, and essentially saying that the rate of growth is expected to move to a positive one in 2009. In fact, it says:

“...world growth strengthening to 2.5 per cent in 2010, compared to an April forecast of 1.9 per cent.”

I have to say that *The Economist* or the IMF, in fact, are quite respected for their economic projections, but even they were challenged between the period April 2008 and April 2009 and in that period adjusted their forecast no less than four times. So, I could understand the difficulties when we are looking at our marketplace and we are trying to understand exactly what is taking place when the larger economies in the developed world still show signs of a slowdown.

If that was not good enough from the IMF, the newspapers of June 11, the *Financial Times*, reporting by the UK forecasting firm, the National Institute of Economic Research has argued that “the economy grew in April by about .02 per cent. Whilst hardly a return to boom conditions that prevailed before the credit crunch, these figures marked the end of more than a year of stagnation and recession and stand in stark contrast to the grimmest predictions of a 1930s slump.” In other words, we have reached a turning point in the world's economy, and that is demonstrated by the change in market prices.

In recognition of the difficulties which this country faced, we came to this Parliament—the Lower House and Upper House—with our prices based upon a forecast of US \$70 for a barrel of oil and US \$4.25 per MCF on the basis of our gas price, and predicted total revenues of TT \$49.5 million. In November when it became apparent that both oil and gas prices had fallen substantially, the Ministry of Finance prepared revised revenue projections predicated on an oil price of \$55 and a gas price of \$3.25 for the first and second quarters, and a price of \$3.50 for the third and fourth quarters.

In other words, we anticipated that the decline in prices would have stabilized by the end of March and begun to show some recovery during the quarter ended

June, and certainly towards the last part of the year. In January 2009 there was a further decline in the oil and gas prices. The Ministry of Finance made further revisions to these projections for 2009. We had in fact projected a revised revenue position of \$2.2 billion in November and we looked at it again in January when we realized that the numbers had fallen, and in fact we had cut our revenue projections at the end of January to approximately \$42.2 billion.

I would not go into the details with respect to the total numbers, but suffice it to say that the initial budget predicated at energy revenues would be approximately \$20 billion on the \$70 oil price and non-oil revenues would amount to \$29 billion; giving us a total revenue position of \$49 billion. In the summary position which we revised on first revision, we cut it to \$15.3 billion and non-oil revenues of \$28.8 billion and on the other revision in January we said that we expected the energy revenues to fall, and in fact we kept a number which was reasonably stable, we cut it down from \$15.3 billion to \$15.1 billion and we also showed our non-oil revenues as falling from \$29 billion to approximately \$27 billion. In other words, we are looking at a total revenue position of approximately \$42 billion.

I think it was well-known that the oil price recovered substantially from the revised budgeted figure of \$45. In fact, there was a time when we were actually considering oil prices below \$30 and there was more than a suggestion of doom and gloom, and in fact traditional economics has—I would not say—stood on its head, but it is clear that while the decoupling arrangement, the suggestion that Asia would be able to stand on its own and not be affected by the developments elsewhere in the world economy, by the developments in the West, that theory has in fact suffered some difficulties but at the same time we have also seen that the Asian economies have shown a degree of resilience which the earlier predictions did not anticipate.

In fact, the rate of growth in the Chinese economy and the Indian economy have not fallen below 7 per cent and it is expected that next year the economy of the Republic of India will grow by in excess of nine and that China will in fact return to its growth path and the Asian economies will act as a counterpoint to what is taking place in the West. What does that mean to say in terms of prices? Well, Sen. Mark is absolutely correct. We have been diversifying and—if you want—moving our shipments away from the East coast of the USA towards Asia. The reason for that is simple. We are trying to maximize our revenue position, and by so doing, maximizing our revenue position, the ability to maintain our commitment to the level of social services which we gave our word in this Parliament that we would do, and we have done so.

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What is the revenue position between October 2008 and May 2009—which is for the period for which I have the numbers, because we have not completed the numbers for June as yet. Well, the oil revenues are at approximately \$11 billion at the end of May, 2009 which means that we are well on course for meeting our objective for our revenue from oil and gas, and our non-oil revenues at the end of that period stands at \$14.5 billion. Our total revenue position therefore is \$25.6 billion at the end of May and we have between May and September, an additional four (4) months in which to make good our total forecast.

We expect that our revised budget number of \$42 billion will be met and there is more than likelihood that we will be able to surpass those figures. We did not promise that we would do a supplemental review or a mid-term review. That was not promised. What we did indicate was that we would revise the budget as and when required to allow for us to tailor our expenditure profile in line with our existing circumstances. Given our commitment, there was the clear and stated intention on the part of the Government of Trinidad and Tobago that we will do what was required to maintain our development thrust and that we would revise our position with regard to certain large projects.

Where projects had not been initiated and which were not deemed to be critical, those would not be done. To all intents—and we made a commitment to the public and to the people of this country that we maintain our level of expenditure on our social services. We have done that. We have maintained the position, and in the words of the Governor of the Central Bank “Trinidad is not in a recession but recovery to the rate of growth which we experienced in the past will take some time”.

I want to say to the country and the country as a whole that we are in business, and by definition there will be good times, there will be bad times, there will be times when revenues are soft, there will be times when revenues are firm; we will act in a fashion which is what we consider to be prudent and a fashion which will help us to maintain the standard of living in the country and to meet the objectives we have set ourselves.

Thank you very much, Mr. President.

**Worsening Economic Crisis
(Government’s Failure)**

Sen. Wade Mark: Thank you very much, Mr. President. The second matter deals with the worsening economic crisis and the Government's failure to be candid and open with the people in respect of its consequences.

Economic management is never easy, particularly in resource-based economies. The Prime Minister, when crisis had gripped the nation and the global economy, did in fact address the nation and made an appeal for restraint on the part of all stakeholders in the economy. At that time he spoke about promoting tripartite discussions and establishing productivity councils, but six months later the Prime Minister described the current economic crisis as a blip on the economic radar screen.

Now in light of the failure of the Government to be candid and open, and given its contradictory positions, one could well expect the trade unions, particularly those in the public sector, to harden their positions around the bargaining table. Who can blame them when the Prime Minister said on the one hand, “exercise restraint” six months ago and six months later he said “it is a blip on the economic radar screen”. It appears that recovery is right here and now, therefore, it is our view that the Government having regard to what is taking place in this economy ought to be a little more conservative and prudent in its utterances. We know that crude oil production is down; we know that gas production and consumption remain flat; we know that petrochemical and steel have declined; we know there is a slowdown in the private sector as it relates to investment. Postponement of investment is the order of the day.

5.30 p.m.

The Home Construction Programme of the Government has been scaled down. There has been a collapse in a major financial giant in this country, and that has posed a challenge to the financial system. We know that manufacturing sales and output are down. We know that there is a low record occupancy rate, particularly in Tobago as we speak. We know that there is rising unemployment and growing underemployment resulting in over 20,000 workers losing their jobs in the last few months in this country.

The Governor has predicted that the unemployment rate will rise from the 4.5 per cent as at the end of October 2008, to maybe between 6 and 7 per cent at the end of fiscal 2009. Therefore, it is incumbent upon us and particularly the Government to be a little more open, a little more candid with the people of this country. You cannot tell the country it is time for restraint, a social compact, tripartite discussions and the establishment of a productivity council, and then you just close down that argument. People come to the conclusion, or people may have come to the conclusion that it is now business as usual and the Government will continue its reckless and wild spending, because the blip on the economic

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radar screen is pointing us in a direction of speedy recovery, because the price of oil jumped from, let us say US \$40 to US \$60 per barrel. That is not how we conduct business or we should conduct business or the business of the nation.

We need to be conscious of what is taking place around us, and this is why I have raised this issue of the Government playing games with the population. The Government is mamaguying the population and giving people a false sense of hope and security in this country and this economy. Therefore, when you have people losing their jobs left, right and centre in this country, who are they going to blame? They are going to blame the Government because the Government told them everything is okay. A blip on the radar screen has taken place. What are you worried about? Workers obviously are losing their jobs every day, factories are closing down every day, businesses are on the decline every day in the country, but the Government says it is a blip on the economic radar screen. You cannot mamaguy people like that. This Government should have embarked upon a social compact. Get the business, labour, the Government and the NGOs together and come up with an economic programme for the future, not to leave Trinidad and Tobago to chance. We cannot operate like that.

Mr. President, I also want to let you know that we are very concerned about the state of the Central Statistical Office. This is the worst. You go to Jamaica and the Jamaican Government has invested heavily in that statistical office in Jamaica. You get figures on a daily basis, on a weekly basis in Jamaica. Do you know the last time we got unemployment figures here? It was October last year. October last year, 4.5 per cent and we are in the month of July and the Government cannot tell us—[*Interruption*]

Sen. Hadeed: 3.9 per cent.

Sen. W. Mark: 3.9 per cent or whatever it was, Sen. Hadeed. The point about this is that the Government needs to invest in the CSO. The CSO must become an organization that is able to provide statistical information and data on a regular and a real time basis. [*Sen. Mark snapped his fingers*] I think that we need to pay attention to that, because how are we going to make decisions? How is the Government making decisions in Trinidad and Tobago? How can business make decisions when the data that you are supposed to base your decision-making on is outdated?

We have to do something about this. [*Desk thumping*] I am saying we have to invest in the CSO, and bring the CSO up to current modern-day standards. It is too long. You want data; you cannot get data from the CSO until a year after. How can

that be real? So, I think this is a very important area, but the key thing that I am advancing here is that the Government needs to be more open, more candid and more frank with the population. We believe that the Government is playing games and they are mamaguying the population and having the population believe that everything is okay.

So, Mr. President, in closing, I just want to refer to the last paragraph of an article written by Gregory McGuire in the *Business Guardian*, page 4, dated June 01, 2009. He said and I quote:

"Unfortunately, the Prime Minister's recent utterances on the current circumstances and his prognosis of an early recovery suggest that there would be no alternation in Government's fiscal behaviour. Unlike several countries in the region and across the world, they have not seen wisdom in using this crisis as an opportunity to engage the population in meaningful dialogue. Instead, citizens of the Republic are invited to have blind faith that 'this too shall pass'. This Government may well become an object of the old adage: 'who cyan hear go feel'."

Mr. President, in closing, I just want to appeal to the Minister in the Ministry of Finance: savings is a function of income and if our revenue, based on what he has said, is on target and may surpass what we may have budgeted on a revised basis, I am appealing to the Government of Trinidad and Tobago to put whatever surplus is available in the Heritage and Stabilisation Fund.

We must save for us to survive, and I want to appeal to the Government to be very conservative in terms of the future and peg your price of oil at a low, low level, maybe \$30 and save, and save, and save.

Thank you very much, Mr. President. [*Desk thumping*]

The Minister of Trade and Industry and Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne): Mr. President, for a moment there I was a bit confused in terms of where Sen. Mark was going. But I gather that the tenor or the text of the Motion is that the Government has failed to be candid and open with the people of Trinidad and Tobago. For one moment I thought we were talking about CSO, and initially, in the first part of the Motion, we were talking about something, perhaps, that the Minister of Energy and Energy Industries should respond to.

With respect to the need to be open, to be candid, for reliable, for up-to-date data, I will be the first to agree with Sen. Mark. There is always room for improvement, there is always room for up-to-date data, there is always room for

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us to understand what is taking place in the economy and for us to make better predictions on the basis of what we expect to happen and what we see. It is for that reason, that no less an institution than the IMF which boasts of resources, of economists, who are amongst the best in the world, who come from the best universities, had to review their projections about the rate of growth in the world economy four times. Four times, in the space of eight months. Four times, an international institution that sits on top of the world's financial data, that you could not want anything more up-to-date than that, had to revise its forecast four times.

As much as I admire my Jamaican counterparts and their ability to produce reliable economic data quickly and to get information which is on time, I much prefer to be in our position where we can actually afford a deficit and talk about the projection that we need to do, and not at the moment facing the difficulties of having to negotiate with the IMF. I much prefer that position.

But with regard to the CSO and the restructuring of that institution, I want to let you know that that is very much part and parcel of the public sector transformation exercise which is being funded by the IADB, and like everything else, reform and change take time. So in the meantime, if there are criticisms with regard to the CSO, and the fact that the economic data is not coming out quickly enough and it not being put in the public domain fast enough to help us, yes, I have to accept that we need to do more. But, I can also tell you that this is being done and legislation at the moment is being drafted, as well as capacity building is being undertaken in the CSO to improve our statistics and to improve the accuracy of our numbers.

With respect to the rate of unemployment, we are in the fortunate position—you said that the last number that you knew was 4.5 per cent and that was in October. Well for the record, unemployment actually fell in December to a number which will be shocking to you. Unemployment as at December 31, as measured by the CSO, was 3.9 per cent, and the most recent available figures which I believe are up to March of this year, indicate that unemployment has risen in that intervening period on the basis of some of the layoffs, the slowdown that you were talking about, to approximately 5 per cent. The Governor of the Central Bank I think, once again as reported in the press this morning, indicated that he does not see—and I am not giving you the numbers. I am not relying on CSO. I am basically going on the numbers that he is saying, so there is no little politics in it. He has someone who is independent and who he could rely on—he is predicting that he does not expect unemployment to go as high as 6 per cent.

What are the numbers in the countries—well, I would not bother with Caricom. We are not going to look at Caricom because we know that things are hard and we know their numbers are rising. We know their debt to GDP ratio is out of whack. What is the situation in the case of the advanced countries? Well, the average unemployment rate projected for 2009 is 8.1 per cent. In fact, in North America, they have been surprised at the rates of growth in employment numbers. It is in excess of 9 per cent as we speak. Those are what the current numbers are saying, and those are on the basis of estimates.

You would recall, while we are speaking of CSO estimates and CSO data, that at the earlier part of this year when we were talking about what the rates of growth were in North America, US statisticians indicated only in the first quarter of this year, 2009, that they dated the recession back to the beginning of 2008, notwithstanding the fact they give you estimates and data and they are published at the end of every month. In other words, even though you have more information, there is a large variable with respect to the quality of data to determine the reality of the numbers. You do it on the basis of best available estimates and I have given you two examples. I am giving you the example of an institution which is supposed to be one of the strongest institutions in the world, the IMF and a country which is supposed to be one of the most numerate in the world, the USA, and both of them are making mistakes or alternatively having to revise their numbers negatively. I will just make that point.

In the case of the Euro area—in other words, just using an average benchmark—the average is 10.1 per cent in terms of unemployment. Germany is approximately 9 per cent; the United Kingdom is trending toward 9 per cent; and Japan in this year, in the month of February, experienced its worse rate of declining exports. I think something in the region of 50 per cent in one month.

Now as for the failure to be candid, to be open, how much more candid could you be, than to come back to the country twice in the space of three months and say, "I have to revise my numbers and I have to revise them downwards". What else could you do? This is not to say that we are not interested in productivity improvements, we must do it. This is not to say that we are not interested in tripartite discussions, those have been slow, but we are still interested in moving ahead on those areas. This is not to say that the country ought not to be told, and it has not been told, that we need to be careful. We need to be tidy in our arrangements, that the boom that we had is no longer, but we expect things to change, we expect times to be different.

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Yes, I think we have been candid; I think we have been straightforward; I think we have been level with the population at a time when most of the institutions in this country had begun to panic and to think that the worst was upon us, and that we would experience the difficulties which were associated with the mid '80s and 1990. That is what this country had gone through and we were trying to signal to the country, and we were being very candid. Did anybody believe what we had to say? Did anybody think that we got it right? Quite the opposite.

Now we are in a situation where things have slowed, and we have said, "Okay, this is where we are; we are likely to bottom out and we are going to turn back upward." We are still concerned and still dedicated to a development programme, which we understand is important for the development of this country.

Whether we have no income, whether the income is slowing or is not growing as fast as we want it to; if we want to grow, if we want to develop, we must still undertake investment programmes. We must still look to the future, and the time to invest is when things are slow, because that is when international prices are right.

We have not changed our investment perspective; we have not changed our decision, our outlook with regard to the future, but we do understand and we have told the country that we need to be more careful about how we spend our money. We need to be careful in terms of what we undertake, but we also need to do the infrastructural development, if we are to move this country in a way that would allow us to achieve the objectives that we want with regard to Vision 2020.

So, yes, this is but a blip on our radar screen; yes, this is about a blip in terms of our long-run objective; yes that is true; yes, we must be cautious, but, yes we must also look to the future and manage our expenditure, and we will do that.

Thank you.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.47 p.m.