

*Leave of Absence**Tuesday, May 02, 2000***SENATE***Tuesday, May 02, 2000*

The Senate met at 10.32 a.m.

**PRAYERS**[MR. PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

**Mr. President:** Hon. Senators leave of absence from sittings of the Senate has been approved to Sen. Philip Marshall from May 01—03, and to Sen. Diana Mahabir-Wyatt from today's sitting.

**SENATOR'S APPOINTMENT**

**Mr. President:** Hon. Senators, I have received the following correspondence from His Excellency the President of the Republic of Trinidad and Tobago:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ARTHUR N. R. ROBINSON, T.C., O.C.C.,  
S.C., President and Commander-in-Chief of the  
Republic of Trinidad and Tobago.

\s\ Arthur N. R. Robinson  
President.

TO: MRS. LAILA SULTAN-KHAN VALERE

WHEREAS Senator Philip A. F. Marshall is incapable of performing his functions as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ARTHUR N. R. ROBINSON, President as aforesaid, 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, LAILA SULTAN-KHAN VALERE, to be temporarily a member of the Senate, with effect from 1<sup>st</sup> May, 2000 and continuing during the absence from Trinidad and Tobago of the said Senator Philip A. F. Marshall.

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 28th day of April, 2000.”

*Oath of Allegiance*

*Tuesday, May 02, 2000*

**OATH OF ALLEGIANCE**

Sen. Laila Sultan-Khan Valere took and subscribed the Oath of Allegiance as required by law.

**PETITION**

**National Trade Union Centre of Trinidad and Tobago (NATUC)**

**Sen. Barbara Gray-Burke:** Mr. President, I wish to present a Petition on behalf of the National Trade Union Centre of Trinidad and Tobago of No. 91 Abercromby Street, Port of Spain. The petitioners are desirous of constituting the said organization into a corporate body by a Private Bill so that its aims and objectives could be more effectively achieved.

I now ask that the Clerk be permitted to read the petition and that the promoters be allowed to proceed.

*Petition read.*

*Question put and agreed to, That the promoters be allowed to proceed.*

**PAPERS LAID**

1. The Annual Report of the Trinidad and Tobago Securities and Exchange Commission for the Financial Year ending September 30, 1999. [*The Minister of Public Administration (Sen. The Hon. W. Mark)*]
2. Public Accounts of the Republic of Trinidad and Tobago for the Financial Year 1999. [*Hon. W. Mark*]
3. The Adverse Trade Practices Order, 2000. [*Hon. W. Mark*]
4. The Civil Proceedings (Amdt.) Rules, 1999. [*Hon. W. Mark*]
5. The Civil Proceedings (Amdt.) (No. 2) Rules, 1999. [*Hon. W. Mark*]
6. The Family Proceedings (Amdt.) Rules, 1999. [*Hon. W. Mark*]
7. The Family Proceedings (Amdt.) (No. 2) Rules, 1999. [*Hon. W. Mark*]
8. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Environmental Trust Fund for the year ended December 31, 1999. [*Hon. W. Mark*]

**TRINIDAD AND TOBAGO ASSOCIATION IN AID OF THE DEAF (INC'N) BILL**

**Presentation**

**Sen. Philip Hamel-Smith:** Mr. President, I beg to present the following report:

Report of the Special Select Committee of the Senate appointed to consider and report on a private bill for the incorporation of the Trinidad and Tobago Association in Aid of the Deaf (Incorporation of Trustees) Act, 1962.

## ORAL ANSWERS TO QUESTIONS

*The following questions stood on the Order Paper:*

**Queen's Park Savannah  
(Extension of Paved Area)**

12. A. Could the Honourable Minister inform the Senate whether the National Carnival Commission was granted approval to extend the paved area in the Queen's Park Savannah to the west and south west of the Paddock Area by the Town and Country Planning Division as required under the Town and Country Planning Act Chap. 35:01. Section 8?
- B. Could the Honourable Minister also inform the Senate:
- i. whether the National Carnival Commission was granted a licence under the State Lands Act, Chap. 57:01 to dig and remove material from the Queen's Park Savannah?
  - ii. of the estimated volume and commercial value of the material dug and removed and the details of its disposal? [*Sen. Prof. Julian Kenny*]

**Queen's Park Savannah  
(Boundaries)**

13. Could the Honourable Minister state:
- (a) the precise boundaries of that portion of the Queen's Park Savannah over which the National Carnival Commission has been given authority;
  - (b) the nature of the transfer of authority and the terms and conditions of the transfer of authority;
  - (c) whether curbs and drainage systems have been incorporated into the newly paved area;
  - (d) the total area now paved and the costs of this paving? [*Sen. Prof. Julian Kenny*]

**The Minister of Public Administration (Sen. The Hon. Wade Mark):** Mr. President, with the leave of the Senate, I ask that questions No. 12 and 13 be deferred for a period of two weeks.

*Questions by leave, deferred.*

**Queen's Park Savannah  
(Parking Permits)**

- 14. Sen. Prof. Julian Kenny** asked the Minister of National Security:
- A. Could the honourable Minister inform the Senate of the actual number of written permits issued by the Commissioner of Police for driving and parking within the boundaries of the Queen's Park Savannah during the period Saturday March 04, 2000 to Tuesday March 07, 2000 as required under the Queen's Park (Amendment) Regulations, 1977, Chap 42 No.6;
  - B. Could the honourable Minister also inform the Senate of the actual number of charges laid under these regulations during the period mentioned in (A)?

**The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore):** Mr. President, I am advised that no written permits were granted by the Commissioner of Police for driving or parking within the boundaries of the Queen's Park Savannah during the period March 04—07, 2000.

Furthermore, no charges were laid against persons driving or parking in the Queen's Park Savannah during the period under review.

**Sen. Prof. Kenny:** A supplemental question. Mr. President, does this mean that the Regulations regarding driving and parking in the savannah are being ignored?

**Sen. Brig. The Hon. J. Theodore:** No, Mr. President, the Regulations are not being ignored because traditionally, the police service has not enforced the restrictions to parking or driving in the Queen's Park Savannah during the carnival season.

The national festival attracts large groups of both citizens and visitors who patronize the many pre-carnival shows held at the Grand Stand of the Queen's Park Savannah and who also witness the parade of bands on both carnival days at the same venue. During the carnival season, the police service issues several traffic notices containing orders aimed at regulating the use of the roads and restricted parking on the roadway. As a consequence, no action is taken against masqueraders or spectators who drive or park in the Queen's Park Savannah during carnival time.

**Sen. Prof. Kenny:** Mr. President, another supplemental question. Outside of the carnival celebrations, for example, now; is driving and parking permitted on the savannah?

**Sen. Brig. The Hon. J. Theodore:** Mr. President, perhaps the hon. Senator may wish to distinguish “on the savannah”. Is it the grassed area, or the paved area?

**Sen. Prof. Kenny:** On the grassed area of the savannah near the playing field and around the savannah generally.

**Sen. Brig. The Hon. J. Theodore:** Mr. President, parking on the grassed area is still an offence. In fact, there is a situation at present where the circus is at the savannah and the Assistant Commissioner of Traffic has instructed motorists that they may park on the paved portion under the direction of the police, but parking on the grassed portion is still an offence and punishable by issue of a ticket to the value of \$200.00.

**Sen. Prof. Spence:** Is the hon. Minister aware of the fact that at other times large numbers of vehicles park on the grass? For example, opposite White Hall. Are these persons given tickets?

**Sen. Brig. The Hon. J. Theodore:** Yes, Mr. President, I am aware that there is parking opposite Whitehall and also opposite the President’s House. On Sunday mornings there are cars there. ACP Matthews is aware and in fact, the police will be taking action because the matter of parking in the savannah has been highlighted and it is against the law and the drivers will be asked to remove their vehicles, at least the first time, but efforts will be made to ensure that parking on the grassed area does not take place because it is against the law.

#### ANTI-PERSONNEL MINES BILL

Bill to give effect to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction in Trinidad and Tobago. [*The Minister of National Security*]; read the first time.

Motion made, That the next stage be taken at the next sitting of the Senate. [*Hon. W. Mark*]

*Question put and agreed to.*

#### RENT RESTRICTION (RE-ENACTMENT AND VALIDATION) BILL

Bill to re-enact the Rent Restriction Act, Chap. 59:50 and to validate things done thereunder [*The Minister of Housing and Settlements*]; read the first time.

Motion made That the next stage be taken at the next sitting of the Senate. [*Hon. W. Mark*]

*Question put and agreed to.*

**ARRANGEMENT OF BUSINESS**

**The Minister of Public Administration (Sen. The Hon. Wade Mark):** Mr. President, today is not Private Members' Day, however, I seek leave of the Senate to deal with Motion No. 2 and Bills Second Reading under "Private Business" before Bills, Second Reading under "Government Business".

*Agreed to.*

**TRINIDAD AND TOBAGO ASSOCIATION  
IN AID OF THE DEAF (INC'N) BILL  
Adoption**

**Sen. Philip Hamel-Smith:** Mr. President, I beg to move the following Motion standing in my name.

*Be It Resolved:*

That the Senate adopt the report of the Special Select Committee of the Senate appointed to consider and report on a Bill entitled "An Act to repeal and replace the Trinidad and Tobago Association in Aid of the Deaf (Incorporation of Trustees) Act, 1962".

Mr. President, your committee convened at one meeting to consider the draft before it and examined the documents submitted by the Promoters.

Basically, the conclusion we arrived at was the fundamental change that was being made in the 1962 Act which was in the name of the organization. Prior to now, the Association carried its name as the Association in Aid of the Deaf, and on examining the Promoters and looking at its current activities, it was found that technology has shown us that, in fact, everyone afflicted with hearing problems possessed some form of residual hearing which if amplified, could allow the afflicted person to learn to speak.

As a result, the feeling was that the stigma of the prior name and the reference of deafness was inappropriate at this time, and, therefore, the Association really was attempting, via this new piece of legislation, to change its name to relate to the hearing impaired so that the name change was necessitated out of this development over the recent past. That basically was the change at which we looked.

We carefully examined the various clauses of the new Bill, and the Preamble to the Bill. We took into consideration presentations by the committee and the evidence they brought before us and we are satisfied with the facts which were presented, that the Bill properly represents the objectives that were put before it

and there is sufficient proof for the incorporation of the Trinidad and Tobago Association for the hearing impaired, and to repeal the present Act No. 18 of 1962.

The Committee therefore recommends that this Bill be accepted by the Senate.

*Mr. President, I beg to move.*

*Seconded by Sen. Dr. Eastlyn Mc Kenzie.*

*Question proposed.*

*Question put and agreed to.*

*Resolved:*

That the Senate adopt the report of the Special Select Committee of the Senate appointed to consider and report on a Bill entitled "An Act to repeal and replace the Trinidad and Tobago Association in Aid of the Deaf (Incorporation of Trustees) Act, 1962".

**10.55 a.m.**

**SPECIAL SELECT COMMITTEE  
Friends of Mr. Biswas (Inc'n) Bill  
(Appointment of Members)**

*Order for second reading read.*

**Mr. President:** Hon. Senators, I have appointed the following Members to serve on a Special Select Committee and report on a Private Bill entitled,

"An Act for the incorporation of the Friends of Mr. Biswas and for matters incidental thereto."

Mr. Nizam Baksh	Chairperson
Mr. Winston John	Member
Miss Cynthia Alfred	Member
Prof. John Spence	Member

**TRINIDAD AND TOBAGO  
CIVIL AVIATION AUTHORITY BILL**

**The Minister of Works and Transport (Hon. Sadiq Baksh):** Mr. President, I beg to move,

That a Bill to establish the Trinidad and Tobago Civil Aviation Authority and for other related purposes, be now read a second time.

This Bill is further evidence of our Government's ongoing initiatives in public sector modernization through strengthening of core public sector functions. Additionally, this Bill must be seen in the context of making our air traffic, rules, regulations, operations and administration consistent with international requirements.

*T&T Civil Aviation Authority Bill*  
[SEN. THE HON. S. BAKSH]

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The new authority would be able to capitalize on the many opportunities that would be available to us, through our membership in the International Civil Aviation Organization, (ICAO), and our own enviable strategic position; our improved air-lift infrastructure and communication facilities, including Piarco 2000 project; and the improved management that we have brought to the economy of Trinidad and Tobago, and that this Bill will ensure for the aviation sector.

By way of introduction, the Civil Aviation Division, which formerly functioned as the Department of Civil Aviation, is a department of the public service, established to administer and regulate national and international civil aviation. It does so in accordance with standards, recommended practices and procedures, established under the Convention on International Civil Aviation.

The division is responsible for the supervision of air traffic services, including search and rescue within the air space of one million square miles, extending from and including, the entire group of Caribbean islands out to the eastern reaches of the Atlantic ocean. The division is also responsible for the dissemination of aeronautical information of concerns to pilots and other air traffic authorities on a broad international basis.

Other functions of the division include training air-traffic controllers to graduate level, including the issuance of proficiency ratings to controllers; licensing of pilots, flight engineers and aircraft maintenance engineers; and the registration of locally registered aircraft. There are more functions performed by the division. These include the promotion of air-worthiness control, by the approval and monitoring of aircraft maintenance standards for locally registered aircraft, and the provision of flight operational standards.

The division also investigates aircraft accidents and incidents, approve the establishment of helipads and airports in Trinidad and Tobago; establishes flight-safety standards at airports, and maintains telecommunication and air-navigation equipment at use in several locations throughout Trinidad and Tobago. The division is also responsible for managing charter-flight operations through the issuance of journey permits to commercial, non-scheduled aircraft operators in charter operations.

Finally, it provides secretarial and administrative support for the air transport licensing authority. The purpose of this Bill is the better control and regulation of civil aviation. This is to be accomplished by the creation of a civil aviation authority that is removed from the public service structure. It will have greater autonomy and flexibility, and it will be better able to facilitate our development as

the major regional hub for cargo and passenger operations in this region. The idea of a civil aviation authority is not new. Previous Governments considered it, but, to date, we have not been able to achieve that.

In 1991, the committee was established to look at the establishment of such an authority. This committee sought, and I quote:

“to establish, as a matter of urgency, a single, autonomous (National) Civil Aviation Authority comprising Divisions that generally respect the separateness of roles and the functions of the Civil Aviation Division, the Airports Authority of Trinidad and Tobago, the Air Transport Licensing Authority and the Secretariat of the Standing Bilateral Negotiating Committee respectively.”

Unfortunately, that was in 1991 and since then we have not been able to bring that particular legislation to this honourable Senate.

Our Medium Term Policy Framework dated 2000 to 2002 document states as follows:

“Over the next triennium, Government will continue to propose strategies for the further development of air, sea and land transportation.

With respect to our transport, Government is at present pursuing the development of an aviation policy to guide growth in the aviation sector. Government shall also undertake institutional restructuring of the Civil Aviation Division and revision of the air transport legislation to foster increased efficiency and safety in the aviation environment.”

**11.05 a.m.**

Mr. President, our Government is fully aware of the importance of aviation to the sustained economic development of Trinidad and Tobago and, indeed, our region. This is why we are so actively pursuing the development of our aviation sector. You will recall that over the years we allowed BWIA to run at a continuous loss. Over the years, as Sen. Daly in his absence would say, we did not deal with the problems associated with the present facilities at Piarco Airport. We are looking after the airlift infrastructure and also the modernization of the aviation sector through the revolutionizing of the civil aviation division to become a full-fledged civil aviation authority.

Let us look at the regional and global factors that have influenced this Bill. In 1998 scheduled air traffic increased by 8 per cent. The world’s airlines are estimated to have carried 1,448 million passengers as well as 26 million tons of

freight. The corresponding increase in total passenger kilometres was 12 per cent in Latin America and the Caribbean alone, compared with a 4 per cent increase in the Middle East axis. The top 25 airports in the world, in terms of passengers throughout, handled nearly one billion passengers in 1998 as well as 10.7 million commercial air transport movements.

Airline revenues reached nearly US \$300 billion for the first time. This is the best annual financial result since 1947. This amounts to a corresponding profit increase in the Caribbean and Latin America area of almost 4 per cent. Aircraft orders went up by some 23 per cent. The aircraft manufacturers cannot even fill those orders and there is a backlog at present. But it shows how the demand for aircraft capacity is growing in the Caribbean, Latin America and indeed globally.

Given our strategic geographical location as the gateway to the Americas, it is necessary that we create a local hemispheric aviation sector in Trinidad and Tobago that shall, in addition to local civil aviation services and regulation, offer services to external markets such as repairs and overhaul of aircraft and components, manufacture of aircraft components and subassemblies, logistical support, ground handling, fuelling, consultancy services and other ancillary activities. At the same time, while this Government ensures that the local civil aviation sector benefits from the expansion and growth taking place globally, it must not compromise safety standards. Our civil aviation activities must comply with the highest levels of safety standards and must be consistent with international standards and recommended best practices as well as other requirements under our obligations as a member state of the international civil aviation organization.

Mr. President, for the benefit of those unfamiliar with the international civil aviation organization and our role within that organization, I shall briefly summarize as follows. On December 6, 1944, 52 states signed the convention on international civil aviation in Chicago. After notification by 26 states, ICAO officially came into being in 1947. Later that year it became a specialized agency of the United Nations linked to its Economic and Social Council. Trinidad and Tobago became party to the convention in 1972.

The aims and objectives of ICAO are:

- to ensure the safe and orderly growth of international civil aviation globally;
- to encourage the arts of aircraft design and operation for peaceful purposes;

- to encourage the development of airways, airports and air navigational facilities;
- to meet global needs for safe, regular, efficient air transport;
- to prevent economic waste caused by unreasonable competition;
- to ensure that the rights of contracting states are fully respected with regard to the operation of international airlines;
- to avoid discrimination between contracting states; to promote safety of flight in international air navigation; and
- to promote the general development of all aspects of international civil aviation.

The International Civil Aviation Organization pursues its aims and objectives through the issuance of the following: one, standards—these specifications necessary for the safety and regulation of international air navigation to which member states will comply; and, two, recommended practices—such specifications that are desirable for the interest of safety, regularity or efficiency of international civil aviation to which member states will endeavour to conform. In the last decade, Mr. President, ICAO has placed great emphasis on the ability of the civil aviation authorities of member states to comply with these standards and recommended practices, especially in safety. To this end, ICAO has sent audit teams to the various member states to assess their ability to comply with ICAO's standards and recommended practices.

Trinidad and Tobago is among the states visited by ICAO. At around the same time, the American Federal Aviation Administration also saw it fit to launch its own programme of inspections. However, they put their own unique spin on the assessment process. They categorized states into three groupings based on their ability to adequately comply with ICAO standards. Trinidad and Tobago ultimately received favourable assessment by both the FAA and ICAO. In fact, Mr. President, Trinidad and Tobago is only one of the few countries that has attained Category 1 status according to the FAA, the most favourable grouping. However, both auditing bodies identified the areas within which there was room for improvement.

For our civil aviation system, Mr. President, to be counted as fully compliant with the highest levels of ICAO standards and recommended practices, the following had to be established, among other things. The upgrading of our civil aviation laws and regulations and the establishment of an autonomous civil

aviation authority. As you can see, the adoption and total compliance with ICAO dovetails nicely with the aims and objectives of our Government's aviation policy and the overall improvement of the country's civil aviation system.

I now propose to briefly explain the legislative background to civil aviation in Trinidad and Tobago in order that the Members of the Senate will have a better appreciation of the circumstances under which these changes are being undertaken. The primary legislation governing our civil aviation system is British in origin and dates back to our colonial past. It derives from the United Kingdom Civil Aviation Act, 1949 as adopted in Her Majesty's colonies by the Colonial Civil Aviation Application of Act Order, 1952. This remains in effect to this day. Plans, however, are well underway to change this as shall be revealed later. Subsidiary regulations, operational orders, et cetera, were made with regularity until the promulgation of the Civil Air Navigation Order, 1961.

After Independence, Mr. President, nothing was done to further update the primary legislation or the 1961 Order for well over 30 years. While aviation internationally made vast strides, aviation in our country almost remained stagnant. While the air transport market grew by leaps and bounds, ours was incapable of taking advantage of the new environment. While ICAO's various standards and recommended practices were consistently changed to reflect the ever dynamic world view, Trinidad and Tobago and its Civil Aviation Division were hampered by a legislative framework that became more antiquated and obsolete with each passing year.

When the FAA and ICAO conducted their audit programmes in Trinidad and Tobago, they sought evidence of the two requisites of a properly functioning regulatory system. These are, the provision in the basic aviation law of the land for a code of air navigation regulations and their promulgation, and the establishment of an appropriate state body referred to as Civil Aviation Authority with the necessary powers to ensure compliance with the regulations. Mr. President, the audit teams realized that, in order to effectively carry out these functions, the Civil Aviation Division could not remain a public service department. It required autonomy and a degree of independence by way of statute. Unless this was done, it could not ensure the highest degree of compliance to ICAO.

Ever since the United Kingdom established its Civil Aviation Authority in 1982, more and more of the numerous ICAO member states have removed their civil aviation departments from the confines of the respected civil service structures and created autonomous statutory authorities or even private

corporations. Australia, for instance, created its Civil Aviation Safety Authority in 1988. New Zealand established its Civil Aviation Authority in 1992. South Africa enacted its Civil Aviation Bill as recently as 1998. Right here in the Caribbean Guyana has recently established its Civil Aviation Authority by legislation and Jamaica has also established its own Civil Aviation Authority.

With the preceding in mind, and desirous of reengineering the Civil Aviation Division in order that it conduct its business at its full potential, the Ministry of Works and Transport held various consultations with the division staff. We reviewed the results of various organizational studies done over the years. We liaised with other regulatory bodies within the Caribbean, particularly Jamaica, as well as the British Civil Aviation Authority, to identify the best organizational structure for the Trinidad and Tobago environment. There were general agreements on all fronts that the mechanisms, legal, administrative and otherwise, necessary for the transformation of the division into an authority had to be identified and explored. To that end, Cabinet agreed that an implementation team be established and charged with the responsibility for the reorganization of the division.

The team comprised the following: representatives from each division of the Department of Civil Aviation; the unions representing the staff of the division; the Airports Authority of Trinidad and Tobago; the Aviation Safety Oversight and Regulation Implementation Committee and the private aviation sector.

**11.20 a.m.**

Mr. President, the team was also charged with the responsibility of undertaking the organizational review of the division in order to outline a new organizational structure and to also establish job specifications; staffing options; salary ranges and other ancillary matters. At every opportunity, before the Chief Parliamentary Counsel got involved in the final draft, there was consultation. Workshops and retreats were held so as to gauge the feelings of the division staff and others, not only as to the Bill's contents but also as to their feelings with regard to such a radical change.

While the Chief Parliamentary Counsel underwent the final vetting of the Bill, comments were still being received and considered from the Ministry of Public Administration, the Chief Personnel Officer and other interested parties. At all stages during the preparation of this Bill, there has been wide and active participation. It is appropriate at this juncture for us to go into the key provisions of the Bill.

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Mr. President, the Bill seeks to create conditions of operations that shall make the department responsible for civil aviation ultimately, self sufficient, and with an additional capacity to finance growth and development; to enforce sound management and financial practices intended to ensure that obligations to ICAO and the public are met; to strengthen the department's capability to regulate civil aviation; and in doing so, ensuring the highest levels of compliance with ICAO's standards and recommended best practices.

Through the process of institutional reform, the division shall be given independent legal status, thus subjecting it to the same legal requirements as private firms. The new authority shall be subjected to the rules of corporate governance rather than the existing official mode of governance. The new authority shall have more autonomy and the flexibility to conduct its business in the ever-changing commercial field of international civil aviation.

Part II of the Bill establishes the Trinidad and Tobago Civil Aviation Authority as a body corporate at clause 5. The functions of the Civil Aviation Authority are set out in clause 6 and the powers of the Civil Aviation Authority to do everything necessary for the performance of those functions are at clause 7. The cumulative effect of these provisions shall be to focus the objectives of the Civil Aviation Authority and create a corporate structure that shall be capable of efficiency and flexibility.

Mr. President, Part III of the Bill makes provision for the establishment of the Board, its composition and the appointment of its Director-General. The Board will be appointed not only for its knowledge in civil aviation, but in other areas such as management, human resources development and commercial skills. It shall have responsibility for the business of the Civil Aviation Authority.

However, it shall still recognize that the Ministry and the Minister with responsibility for civil aviation has the overall responsibility for setting policy and goals through the issuance of directions while leaving the detailed planning and implementation of same to the administration. This part of the Bill provides for the appointment of a Director-General whose role shall be to oversee the day to day management of the Civil Aviation Authority. In effect, this implements the broader policy as laid down by the Board.

Parts IV and V of this Bill make provision for the proper financial planning and management of the Trinidad and Tobago Civil Aviation Authority by means of the establishment of corporate plans set around a legislative time-frame and containing such criteria as outlined in clause 15; the proper keeping of accounts

and records according to established accounting principles; the proper auditing of those accounts and records; and the annual laying of such reports as public records in Parliament.

Mr. President, provision here is also made in Part V for the authority to source financing from other areas, but only through the explicit approval of the Ministry of Finance and subject to its terms and conditions. While the Civil Aviation Authority is made exempt from the application of the Central Tenders Board Ordinance, provision is made for absolute transparency in the awards made under clause 24.

Part VI of the Bill makes provision for the employment of staff and the payment of superannuation benefits. The Board is empowered to employ staff as required. Existing staff will have the choice of options to voluntarily retire; to transfer to the Trinidad and Tobago Civil Aviation Authority; or to remain in the public service.

Mr. President, we saw it necessary to offer the best possible options to the staff of the Division. This part of the Bill also deals with the handling of the pension scheme. All superannuation benefits accrued to date will accompany the incumbent upon employment with the Trinidad and Tobago Civil Aviation Authority. Within two years, the Civil Aviation Authority is pledged to establish its own pension plan in order to provide for its employees.

Mr. President, this Bill establishing the Trinidad and Tobago Civil Aviation Authority is the first in a series of legislative measures intended to bring our statutory framework up to the ICAO's standards and recommended practices.

A Companion Air Navigation Bill is in a well-advanced stage of preparation in order to ultimately repeal our Colonial Air Navigation (Application of Act) Order 1952 and CANO 1961 which itself will replace the Civil Aviation Order 1995 is presently being revisited in order to produce our own Trinidad and Tobago Aviation Regulations that shall be in accordance with joint aviation requirements that are slowly but surely gaining worldwide acceptance. With the establishment of an autonomous Civil Aviation Authority through this Bill, a start has been made towards the ultimate modernization of civil aviation in Trinidad and Tobago.

Mr. President, Trinidad and Tobago is a country on the move attaining higher and higher levels of achievement. We have the confidence of the international financial community and the international agencies like ICAO, the World Bank, the Inter-American Development Bank and the entire OAS system.

*T&T Civil Aviation Authority Bill*  
[SEN. THE HON. S. BAKSH]

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On August 31, 2000, Independence Day, we are going to open our New Airport—Piarco 2000. It is just one of the jewels in a crown of benefits and opportunities for our country and our interest and leadership in the provision of airlift infrastructure, not only in Trinidad and Tobago but the entire region. It is one component of our master plan for the aviation industry and this Bill is another. It seeks to facilitate another component, the legal and administrative framework, which is an essential component of the foundation on which we will build our aviation sector of the future.

**11.30 a.m.**

Mr. President, once again we are not just talking but demonstrating the high quality of good governance. We do have a vision for aviation as other sectors of the economy. Our social and economic policies must continue to provide tangible benefits for all our generations. Generations to come would also benefit from our continued best practices and excellence in Government. Thank you.

*Question proposed*

**Sen. Danny Montano:** Mr. President, I listened to the Minister's speech with some interest as I think that legislation in this area, as he indicated, is desirable and is probably somewhat overdue. However I must say at the outset that I do have some difficulties with several of the provisions in this piece of legislation. It is not quite as innocuous as it might first look. Upon reading this, as the Minister says in his language, it is a bold step forward. It is part of their vision and so forth, but apart from saying somewhat clearly that the primary benefit of this piece of legislation is that the personnel under the Civil Aviation Authority are going to be moved away from the public service and effectively privatized within this organization, that would give the new organization the flexibility in the new corporate world that would be necessary. Apart from that change, he has really made no explanation as to how aviation in Trinidad and Tobago is going to be improved by this piece of legislation. I was here, except for a brief minute, and I heard his whole presentation, but I did not hear how aviation is going to be improved as a result of this piece of legislation. Perhaps in his winding up he will give some details. I would welcome his explanations.

When you read this, you have to read it more than once and perhaps speak to people who have some experience in the aviation industry to really capture what is going on, and the first thing I was advised, is despite the fact that the Minister said there was wide consultation on this Bill, the fact is that the major players in the aviation industry had not been consulted and this affects them directly and I

will explain how. The aviation industry is governed by an authority called the Air Transport Licensing Authority. It does not really indicate clearly in this Bill exactly what the authority is going to do until you begin to put certain things together. Clause 3 refers—

**Sen. Baksh:** Mr. President, for clarification, the Air Transport Licensing Authority is not the authority responsible for civil aviation in Trinidad and Tobago. Right now it is the Department of Civil Aviation. The Air Transport Licensing Authority deals only with routes, fares and regularity of designation.

**Sen. D. Montano:** Thank you. I will go on because my point is still relevant and the same. As I understand this document, maybe I am wrong, but he is going to have to correct my misunderstanding. Aviation document means any licence, certificate or other document issued by the Trinidad and Tobago Civil Aviation Authority to, or in respect of any person, aircraft, aerodrome or aviation related service. As I read that it would include a licence to fly; it would include in terms of the aircraft, a licence to land or to take off in terms of route and access and so forth, so that is what we are talking about. Clause 5(b) says:

“The functions of the Authority are—

(b) to issue, renew and amend aviation documents.”

In other words, the new Civil Aviation Authority is going to be the organization that licenses pilots and aircrafts and I would assume, by extension certifies the air worthiness of the aircraft and also routes. That is how I see it, so in terms of looking at that, it seems then to take the authority away from the Air Transport Licensing Authority which is the creature that the Minister was referring to earlier. Is that in itself a bad thing? I would venture to suggest not necessarily so, but when you go on this is what it looks like.

The Minister kept using words like “independent” and “autonomous” and clause 11 says:

“The Minister shall give the Authority such specific or general directions, not inconsistent with the provisions of this Act and the Authority shall give effect to any such directions.”

In other words, this authority is not going to be independent or autonomous of the Ministry but must act on the specific directions of the Minister. In other words, in the exercise of the duties under clause 3 and clause 5, as I was indicating earlier, whatever they actually encompass, whether it is routes or licensing of aircraft or the certification of air worthiness, or the licensing of pilots,

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whether it is part or all of that, the fact of the matter is that the Minister can interfere directly in the appointment or revocation of licences and permits under this piece of legislation.

Under the existing legislation no such power exists, whereas under the existing legislation there are three members of the Board who are appointed by the President, and of course, they could be political appointees. The fact of the matter is that when you have professionals acting in this manner, they tend to take their duties seriously.

Furthermore, under the Air Transport Licensing Authority, the Air Navigation Licensing of Air Transportation Order there are specific guidelines that the board must follow in the issuing of licences and permits and that sort of thing. There is no such requirement under this piece of legislation.

The Minister did say that some other sister piece of legislation is going to be brought, but how could we understand the impact of this without seeing that. That makes it very difficult for us to understand what we are really doing here. Bearing in mind that the Minister can interfere directly, how then can the Minister say that the body is going to be independent and autonomous? He is making a mockery of the legislation. I cannot agree with that clause. I have no difficulty with clause 3. If that is what you want this organization to do, I have no problem with it: you can make it do whatever you like if it is going to improve the efficiency and effectiveness of the organization; I have no problem with that.

If you want to make it more realistic in terms of corporate governance, that is fine, but in terms of the direct governmental interference, I have difficulty with that and we have seen over and over the thread through numerous pieces of legislation where this Government puts things like this where the Minister can interfere directly in the organization and institutions they are setting up and that is their vision. How can the private sector operating here really be expected to invest millions of dollars when on a whim and fancy, politicians can interfere in how they do business; what routes they can fly, whether their pilots are certified or not certified?

I am not suggesting that this Minister or any Minister would do so but it lends itself to rampant interference. How can any private sector organization really operate in that kind of framework? Bear in mind that the Government as a shareholder owns roughly one third of a major airline. An unscrupulous minister

can use this paragraph to give the airline that he effectively controls, an advantage over the private sector. How could that be right? How can we legislate that kind of framework? How can we stand for that?

One of the things that has to happen is that this piece of legislation must be sent outwards, not inwards just to the personnel within the Civil Aviation Authority, it must be sent outwards to all the private sector operatives asking for their comments and we have to have that on the table before we can go any further with this. We have to be able to go forward.

Mr. President, in terms of clause 14 the disclosure of interest and the planning and management sections in clause 15, I have no real difficulty with that. I have no difficulty with making state-owned organizations operate as if they are working in the real world.

Mr. President, clause 11 cannot work. Furthermore, I would draw the attention of Members to clause 24 which the Minister just glossed over. It says:

“24(1) The Authority in the performance of its functions is not subject to the provisions of the Central Tenders Board Ordinance.”

Everything this administration has done since 1995 has been contrary to the Central Tenders Board, every major scandal, including the airport, that billion dollar nightmare, the Minister says is the “crown jewels”, indeed it is. The “crown jewels” have been raped and sitting in an airport which nobody is going to afford to maintain. They are building an airport the size of Toronto International, with perhaps less than one-tenth of the amount of traffic. How can that be so? Why is the Central Tenders Board necessary? This is still a state-owned enterprise and as such, is still accountable to the state and the people. The Minister has made no case for any rationale why that clause should be there; why this authority should not be subject to the Central Tenders regulations? Every time you turn around there is some new scandal.

**11.45 a.m.**

There was a scandal at the National Gas Company in the purchase of their scatter system. I have documents in my possession that clearly indicate that the decision to award the contract to a company in which a close associate of the Government had a financial interest was made the day before all the tenderers were called to Calvary for a meeting with the consultants. They were making a mockery of the whole thing. I have been on the television with that already. In the course of time I will deal with that.

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Sen. Cuffy Dowlat is laughing because she knows she will try to stop me but she would not. We will deal with that.

With respect to the Desalination Plant, just a few days ago, I was speaking with a supplier of equipment from California who has sold equipment to an operator who makes bottled water. This is a major supplier of equipment for reverse osmosis. In my discussions with him I said: "How come you fellas did not manage to get the contracts for the Desalination Plant if your system is so good?" He said: "Well the truth is we did not even tender." I said: "Why did you not tender?" Mr. President, this is an American. He laughed and said: "Senator, we knew who had the contract before. There was no point in tendering." Mr. President, that is how Trinidad and Tobago is viewed everywhere. That is a scandal! That is a shame. I am ashamed that they could look upon my country and say that about us. Mr. President, how could that be? This is not a partisan issue. This is not a PNM, UNC or NAR situation: this is a national scandal. No right-thinking person in the country—I do not care where he comes from—could support that kind of activity.

There was a report in the newspapers this weekend that several frequencies for cellular phones have been allotted by the Telecommunications Services of Trinidad and Tobago (TSTT). I am advised that in Jamaica—in the award of the same thing, in the same process—they not only went to tender but the people had to actually bid. There was an auction, and the company in Jamaica actually raised US \$97 million in the auctioning of the frequencies, just in the auction process. What did we do? Where are we? Mr. President, I cannot agree to that.

If the Minister will agree to three things: firstly to pull this back for a few weeks and to send it out to the private sector persons who have a vested interest in aviation, and if he will remove clauses 11 and 24, I might be persuaded to support this. But in its current form, as it stands here, I cannot do that.

The last thing I heard from an extremely reliable source was, that crazy roundabout flyover thing that is being designed at the junction of the Churchill Roosevelt Highway and Uriah Butler Highway, again there is scandal inside there. I am reliably informed that a Government Minister has a vested interest in the company that is going to build it.

Mr. President, where are we going to go? Where are the citizens of Trinidad and Tobago going to go if administrations do that kind of business? It is wrong. Let us do the right thing. Let us leave this in here, that is to say, let us not interfere with the provisions of the Central Tenders Board.

Mr. President, I really did not intend to be so adversarial this morning. I really do not wish to be so. We on this side very much would like to encourage the process of moving forward: moving our country into the century that we are in, to modernize and to update. *[Desk thumping]*

Let me assure you, Mr. President, we have a vision, it is written and it is spoken and it has been clearly enunciated. We know where we are going. On this side, the emphasis will be on honesty and integrity, that is where it will be. *[Desk thumping]* We are not going to fall for the sham. When the Government brought a piece of legislation they called the Integrity Bill, it was nonsense! Everybody understood it to be nonsense and it had to be sent back.

Mr. President, we are serious on this side. We are serious about governance for the benefit of every citizen of the country, not just the close friends and associates of the party. No, Mr. President, everybody must benefit. We must make sure that there are mechanisms that will act as a check and a balance against those individuals who will not wish to act in the same way. That is the point. It would be nice to think that everybody would act honestly and with the best interest of the people of the country, but life is just not like that and we cannot be so naïve.

The Central Tenders Board and its provisions are a useful, and even now, an imperative piece of legislation that must not be sidelined—*[Interruption]*

**Sen. Mark:** Just a point of clarification.

**Sen. D. Montano:** With those few words, Mr. President, I thank you. *[Desk thumping]*

**Sen. Mark:** He does not want to answer. We will deal with him.

**The Minister of Works and Transport (Sen. The Hon. Sadiq Baksh):** Mr. President, I really thought that we would have some more discussion on this particular Bill. I know that the modernization of the aviation sector in Trinidad and Tobago is a matter of importance to the development of our country. As such, I would like to respond to some of the questions raised.

Mr. President, the involvement of the Minister in general directions to any organization, including the new proposed Trinidad and Tobago Civil Aviation Authority, is the norm within all the other state organizations in Trinidad and Tobago. In fact, to be responsible as the Minister with the line responsibility for the organization and to answer and to take to Cabinet anything that will be

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necessary to go there, it must be a line Ministry to which it should report. As such, the Member spoke about making it appear that this is some special organization and some special effort made in clause 11, that—

“The Minister shall give the authority such specific or general directions, not inconsistent with the provisions of this Act and the Authority shall give effect to any such directions.”

He also did not draw to our attention that all directions referred to in subsection (1) shall be in writing and signed by a Minister. He made it appear as though one had to just give some general directions. It is in fact to give a policy direction on the movement and for the improvement of the department of civil aviation.

In addition to that, in terms of clause 24, the Member made reference to the Central Tenders Board, in giving this authority in the performance of functions that “the Board shall, with a Minister’s approval, make rules relating to the award of tenders and contracts and those rules shall be published and shall govern the conduct of the award of tenders and related matters.”

Mr. President, again, in all the state organizations they would be able to develop their own tender rules and their own tendering procedures. In fact they have done so successfully in all the other organizations.

As the Member sought to raise some issues, generally it appears that we did not really understand or read the Bill in its entirety. In addition to that, the Air Licensing Authority is a different organization looking after different aspects of aviation.

**11.55 a.m.**

In fact, in terms of the Air Licensing Authority, that is the authority responsible for route rights and for approving journeys and so on, except that the only area in which the department, the Trinidad and Tobago Civil Aviation Authority, would be involved is the journey permits or charter operations.

So, Mr. President, those are the points raised and, based on that, *I beg to move.*

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*Senate in committee.*

**Mr. Chairman:** Hon. Members, this is a Bill that contains three clauses divided into seven Parts, plus three Schedules. Since there are no proposed amendments, do I have your consent to deal with the Bill in Parts and, if there are any clauses within those Parts, we treat with those clauses separately? Is that in order?

*Assent indicated.*

*Clause 1 ordered to stand part of the Bill.*

*Clause 2.*

**Sen. Dr. St. Cyr:** Mr. Chairman, there is no clause 7(2) (f), so I suspect that may be 6(2)(f).

**Mr. Chairman:** Shall we treat it as typographical? Thank you, Senator.

*Clause 2 ordered to stand part of the Bill.*

*Clauses 3 to 8 ordered to stand part of the Bill.*

*Clause 9.*

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

**Sen. Dr. St. Cyr:** Mr. Chairman, I am worried about the phrase, “to the Director General or an employee of the Authority”, because it seems to me that the authority, meaning the board, can bypass the director and delegate to his subordinates and this would be a very wrong principle. So I am wondering if the hon. Minister would consider deleting the words, “or an employee of the Authority”.

**Sen. Baksh:** Mr. Chairman, we have no objections to it.

**Mr. Chairman:** So, shall we delete the words, “or an employee”? The amendment to clause 9 would then be to delete the following words in line two, “or an employee”.

*Question put and agreed to.*

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

*Clause 10 ordered to stand part of the Bill.*

*Clause 11.*

*Question proposed, That clause 11 stand part of the Bill.*

**Sen. Montano:** Mr. Chairman, I was making my case that clause 11 really should not be there at all. I see no particular need for it and I would like to see it removed.

**Sen. Mark:** I do not understand the Senator's position.

**Mr. Chairman:** Restate your position, please.

**Sen. Montano:** I made my case during my contribution and I pointed out why I would want to see it removed.

**Sen. Mark:** In many other pieces of legislation you have the Minister giving authority, giving instructions to the authority or the body and so on, general instructions, specific instructions. That is something found in all legislation.

**Sen. Dr. St. Cyr:** Mr. Chairman, the clause comes over really strongly, "The Minister shall give", and "the Authority shall give effect", and, to me, that then removes the autonomy of the authority. I was wondering whether we could not modify that, probably weaken it by changing it from "shall" to "may" in the first instance. But I am aware that other bits of legislation do permit the Minister to do this and, in my view, it really is how the Minister exercises this authority.

**Sen. Prof. Kenny:** There is precedence for this type of clause. In the Environmental Management Authority Act, section 5 says, effectively, that the Minister may give general or specific instructions. This Bill goes on to make it quite clear what the Minister may or may not do. That is not inconsistent with the provisions of this Act. That is not in the EM Act, clause 5, so this, in fact, strengthens the actual clause, "the Minister may give general or specific directions". So it would be consistent and stronger than the Environmental Management Act clause 5.

**Sen. Montano:** Mr. Chairman, the point is the last time I think we saw this, or a clause something like this, is in the Regulated Industries Commission, but this is different because the impact goes right down into the private sector and the effect is that it is really anti free trade. You are not operating within the Regulated Industries framework. You may say where the Minister may, in fact, have a vested interest. This is really the Minister having a direct say in the operations of the private sector and I have difficulty with that, Mr. Chairman. That is the unique aspect of this clause in this particular piece of legislation. I do not see that it fits, certainly in terms of having specific directions. General directions may be more palatable but specific directions make it completely unacceptable vis-a-vis the private sector. That is the difference between this and any other piece of legislation that we have seen.

**Sen. Baksh:** Mr. Chairman, I have no difficulty with changing “shall” to “may”.

**Mr. Chairman:** That is the first “shall”?

**Sen. Mark:** Yes, “the Minister shall” to “may”.

**Sen. Montano:** Why not remove the word, “specific”? If we are not going to remove the whole clause, tone it down and remove the word, “specific”.

**Sen. Mark:** No, but that is a general thing that is in all legislation, Mr. Chairman, of this nature. The Minister does give specific or general direction. What we are saying is, instead of saying “shall” we will go with “may”. But why not be more specific? That is a normal clause in all legislation of this kind. It is not being inconsistent, Mr. Chairman.

**Sen. Montano:** There is absolutely no need for that, Mr. Chairman. There is absolutely no need for the Minister to give specific direction vis-a-vis the licensing of aircraft or the licensing of pilots or the granting of routes, and that gives him that authority. That would be improper. That would be highly improper. That completely circumvents the autonomy of this authority.

**Sen. Dr. Mc Kenzie:** Mr. Chairman, my interpretation of this is that, if the authority for these duties is in the Act, I do not see that the Minister could usurp that authority from the phrase here. Whatever directions he gives, those directions must not be inconsistent with the provisions of the Act. So if he is telling me, as the Director of Civil Aviation or whatever, that “You must do this, that, that” and I know that those powers lie with me, I could say, “No way”.

**12.10 p.m.**

I think that the phrase “not inconsistent with the provisions of this Act,” where the authority and power would have been vested in the authority. I do not think that the Minister would have that power.

Secondly, I think clause 11(2) also gives a check on him that he could say what he has given him, in writing; there is a clause in this Act that says that you do not have that power to do that. Based on that, I am not very scared about it.

**Sen. Montano:** Mr. Chairman, I think the hon. Senator has misunderstood the provisions there. Because “not inconsistent with the provisions of this Act” means that he cannot instruct the Board to do something that the Board cannot otherwise do. That is what he cannot do. But if it is that the Board is about to issue a licence or a route within the provisions of the Act and the Minister says, “No, do not do that,” that is within the provisions of the Act, and he can stop them from making their inconsistent decision. That is what would be wrong. That is the point.

**Sen. Mark:** Mr. Chairman, I am just looking at the Water and Sewerage Authority Act under section 10, and there is a similar provision. If I may, I would just read a section for your edification here.

“In the exercise and performance of its functions, powers and duties under this or any other written law the Authority shall act in accordance with any special or general directions of the Government, given to it by the Minister; but subject to this section, the Authority shall, when exercising and performing its functions, powers and duties, be subject to the control or direction of no other person or authority.”

The point is that in all statutory legislation there are specific or general; there are special or general. There is nothing inconsistent. What strengthens this legislation, as Sen. McKenzie said, is that section 11 (2), must be done in writing, and section 11(1) is “not inconsistent with the provisions”. This is democratic. I do not see anything—

**Sen. John:** Mr. Chairman, with respect to the Water and Sewerage Authority Act, a number of these statutory Boards have the same provision. So what we are hearing today—when that party, in Government, enacts legislation, it is good; but if the attempt is made by this Government to do it, they object.

**Prof. Spence:** Mr. Chairman, not on this point, but I have a problem with the wording. I cannot understand what “such” is doing there. It does not make sense to me from a point of view of English. That may be a legal phrase, but English, it does not make sense.

**Sen. Mark:** Do you want to say, “any”?

**Prof. Spence:** Yes, and leave out the word “such.”

**Sen. Mark:** Okay. “The Minister shall give the authority ‘any’ specific or general directions.” No problem.

**Prof. Spence:** Mr. Chairman, I also agree with changing “shall” to “may” by the way.

**Hon. S. Baksh:** Mr. President, I would have to reconsider that because “such” refers to those matters that are not inconsistent with the provisions of this Act.

**Mr. Chairman:** I will now put the question with the proposed amendment. The question is, that clause 11 be amended by deletion of the word “shall” in line 1, and the substitution of the word “may.”

*Clause 11, as amended, ordered to stand part of the Bill.*

Part III.

*Clauses 12 to 14 ordered to stand part of the Bill.*

Part IV.

*Clauses 15 and 16 ordered to stand part of the Bill.*

**Prof. St. Cyr:** This might be a typographical error in clause 15(4). “The Board shall keep...” I think it should read “the Minister informed”. *[Discussion]* Yes, delete the word “keep”.

**Mr. Chairman:** We shall deal, therefore, with clause 15 separately.

**Hon. Baksh:** Mr. Chairman, I want to go back to the last line of clause 14(4). It should be “having a pecuniary interest.”

**Mr. President:** All right, let us just finish clause 15 and we will come back to clause 14.

*Clause 14 deferred.*

**Mr. President:** There is a proposed amendment on clause 15(4). “The Board shall keep the Minister informed about (a), (b) *et cetera*.”

**Mr. Chairman:** Sen. Dr. Cyr, would that be okay? You had raised it.

**Dr. St. Cyr:** Yes.

**Mr. Chairman:** The question is, that clause 15 be amended to read as follows:

“The Board shall keep the Minister informed about (a), (b), (c) *et cetera*.”

*Clause 15, as amended, ordered to stand part of the Bill.*

**Mr. Chairman:** The Minister has drawn attention to an amendment that requires to be made at clause 14. With the consent of the Committee, may we reopen Clause 14(4). Do I have your consent to revert to clause 14(4)?

*Assent indicated.*

*Clause 14(4) recommitted.*

*Question again proposed, That clause 14(4) stand part of the Bill.*

**Hon. Baksh:** In the last line, “having a pecuniary interest.” That is what was referred to earlier in the Act.

**Mr. Chairman:** Hon. Senators, the question is, that clause 14(4) be amended as follows. In the last line delete “an” and substitute “a pecuniary.”

*Question again put and agreed to.*

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

**12.20 p.m.**

*Clauses 17 to 23 ordered to stand part of the Bill.*

*Clause 24.*

*Question proposed, That clause 24 stand part of the Bill.*

**Mr. Chairman:** I think Sen. Montano wants to make a proposal.

**Sen. Montano:** Mr. Chairman, well, I am not going to go through the kind of debate we just went through. I made my case when I was making my contribution. I do not think that clause 24 belongs in this piece of legislation. I am not going to debate the matter again. I would like to move that clause 24 be removed.

**Sen. Mark:** Mr. Chairman, if I may, this is consistent with what already takes place at a number of statutory authorities, including the National Insurance Property Development Company (NIPDEC); Public Transport Service Corporation (PTSC); TPost and Port Authority. This is something consistent and it is not anything to be unduly worried about.

Mr. Chairman, at any rate, I know for a fact that there was a Bill that the PNM really forgot to bring to Parliament in its haste to demit office the last time. That particular piece of legislation that the PNM was to bring was going to give all Ministries, Statutory Authorities and Departments of Government the authority to set up their own tenders rules as obtains at the level of the Ministry of National Security. This Government has not brought it as yet but we will do it in the next term. Quite frankly, the Opposition recognized the difficulties that Ministries and Government Departments were having with the Central Tenders Board and they were going to amend the Central Tenders Board Act. I could bring a copy of that legislation for Sen. Montano because he was not around at that time, as you know.

**Mr. Chairman:** Any other contributions?

**Sen. S. John:** I want to support Minister Mark on this matter. I am a Member of two statutory boards and legislation prepared by the Opposition when they were in Government with respect to the National Housing Authority Board and the Environmental Management Authority Board are the same provisions which are there. So it would seem to me that the Opposition would be inconsistent in that when they were in Government they enacted legislation like this and now they are in Opposition they are objecting to it.

**Sen. Dr. St. Cyr:** Mr. Chairman, I suspect that we were going to make the same comment. This is however, a major policy shift away from the use of the Central Tenders Board, and it might really have been better to have brought it explicitly.

**Sen. S. John:** Mr. Chairman, what I have observed in the rules of these statutory bodies is that the Director of the Central Tenders Board forms part of the tenders committee.

**Mr. Chairman:** Sen. Prof. Spence, you wanted to say something?

**Sen. Prof. Spence:** I just wish that we could have an argument to the point, rather than the argument being that the other party did it so we must do it. It does not make sense to me.

**Sen. S. John:** What we are saying is there has been a consistent drafting of the legislation even before this administration came.

**Sen. S. Baksh:** Mr. Chairman, the point is really that you cannot give a private organization the autonomy to be a private organization and then ask somebody else to be responsible for developing its rules for its tendering procedures. In fact, any company that has its own interests at heart would want to be able to control all activities and that is the point generally. *[Interruption]*—also all other statutory organizations.

**Sen. Mark:** Not all, Sir.

**Sen. Daly:** Mr. Chairman, this is what I am trying to get clear. What is the policy with regard to statutory authorities? Are they or are they not subject to the Tenders Board?

**Sen. Mark:** Not all of them. As Sen. John pointed out, when these organizations or statutory bodies are drawing up their tenders rules, procedures and guidelines, inherent in that is a provision to ensure that the Director of the Central Tenders Board, or his or her representative, must sit on the tenders committee of these statutory boards or authorities.

**Sen. S. John:** They do not sit alone. There are members on these statutory boards.

**Sen. Daly:** When you say not all, was the majority not subject to tenders rules, or is it that we are picking them off one at a time? Maybe that is why Humphrey got so disgruntled. I do not know. I would like to find out what is the Government's policy. Is this part of a policy to systematically remove statutory authorities from the provisions of the Central Tenders Board? I mean, surely I could get an answer.

**Sen. Mark:** With respect to the systematic policy, what I can tell you is that the government is, in fact, contemplating looking at the whole Central Tenders Board Act with a view to giving the same kind of autonomy, as I said, that obtains at the level of the Ministry of National Security, at the level of Government Ministries, and what obtains at statutory boards at the moment. We are trying some time in the future—not at this time—but because of the peculiar nature of this legislation, this provision is being incorporated. The policy is to move towards an arrangement where Government Departments, Agencies, Ministries and Statutory Corporations and so forth that are not covered would have some degree of autonomy in determining, for instance, their tender procedures and rules within broad guidelines.

**Sen. Daly:** That statement amounts to a creeping abolition of the Central Tenders Board. All we are saying is, would it not be better to determine whether that is a wise move when we are dealing with the Ordinance itself?

**Sen. Mark:** There are many that are still in existence today, that would be subjected today. As you are aware, all Government Ministries are, in fact, subject to the Central Tenders Board.

**Sen. Daly:** Mr. Chairman, I think it is an absolutely retrograde step. If there is a problem with how the Central Tenders Board works, fix it! It is a very important check and balance and just to be taking it out with a snap of the fingers like that, I think that is a difficulty.

**Sen. Mark:** Mr. Chairman, in one or two statutory corporations and authorities, there is already provision in their legislation to have this kind of autonomy. What we are also arguing and advancing here is that the Central Tenders Board is represented at the level of the tenders' committees of these various statutory authorities. They are represented. So the Central Tenders Board is not excluded. There is representation on the tenders committee whether it is at the TTPost, Airports Authority or the Public Transport Service Corporation (PTSC): they are represented there.

**Sen. Prof. Spence:** I take that argument, but then I would have to ask: is that a voluntary provision, or should we have it in the Act? If the argument is being advanced that it is safe to remove the Central Tenders Board because they are in any case represented on the committee, how do we ensure that they are represented? Should we not then put it in the Act? If that is a powerful argument for going in that direction, then let us ensure that it is not a voluntary act on behalf of that particular state enterprise.

**12.30 p.m.**

**Sen. Mark:** That has never been placed in any past legislation. There is, in fact, an understanding and practice that has developed over the years and it has not been violated, so to come—[*Interruption*] I think that that is the understanding that has been established, that the Central Tenders Board will have representation on those tenders committees in the statutory authorities, and it has not been violated, so why do we want to come now and put into legislation the provision—[*Crosstalk*]

**Mr. Chairman:** Unless we have new comments I shall put the question. Sen. Montano the first deletion, are you pursuing it?

**Sen. Montano:** Yes.

**Sen. Prof. Spence:** Mr. Chairman, if I could just repeat what I have said. A powerful argument is being made of the fact that the Central Tenders Board is going to be represented on these committees. I say, if that is a powerful argument in support of the removal of the Central Tenders Board then it does not make sense, to me, to leave that as a voluntary activity. If that is a strong argument in favour of that, then it should not be a voluntary act.

**Mr. Chairman:** Hon. Senators, I shall put the question for the deletion.

*Question, on amendment, put and negatived.*

**Mr. Chairman:** I shall now put the question for the original clause.

*Question put and agreed to.*

*Clause 24 ordered to stand part of the Bill.*

*Clauses 25 to 31 ordered to stand part of the Bill.*

*Clause 32.*

*Question proposed, That clause 32 stand part of the Bill.*

**Sen. Jagmohan:** Mr. Chairman, I was observing in clause 32(3) where it states: “Where anything has been commenced” and so forth. I have a problem with the word “anything”, could we not say “project” or “programme of activity”?

**Sen. Mark:** The word “anything” covers all that.

**Sen. Jagmohan:** Is that an appropriate word for legislation: “anything”?

**Sen. Daly:** The word “thing” has only recently been devalued, Mr. Chairman.  
[Laughter]

**Mr. Chairman:** Pardon me.

**Sen. Daly:** Perhaps it is just as well that the Chair did not hear; on reflection. There is the question of whether the word “anything” is appropriate in the legislation. Well, please respond.

**Sen. Baksh:** We do not see any real problem with having the word “anything”, it would incorporate everything else. It is normal.

**Sen. Jagmohan:** Mr. Chairman, I am not pursuing the matter any more.

*Question put and agreed to.*

*Clause 32 ordered to stand part of the Bill.*

*Clause 33 ordered to stand part of the Bill.*

*First, Second and Third Schedules ordered to stand part of the Bill.*

*Question put and agreed to, That the Bill be reported to the Senate.*

*Senate resumed.*

*Bill reported, with amendment; read the third time and passed.*

**Mr. President:** Hon. Senators, we will proceed to lunch at this stage and resume at 1.45 p.m.

**12.37 p.m.:** *Sitting suspended.*

**1.45 p.m.:** *Sitting resumed.*

#### EDUCATION (AMDT.) (NO. 2) BILL

[Second Day]

*Order read for resuming adjourned debate on question [March 14, 2000]:*

That the Bill be now read a second time.

*Question again proposed.*

**Mr. President:** Hon. Senators, I am advised that the question was already proposed and the debate can start now.

**Sen. Joan Yuille-Williams:** Mr. President, before I begin I would like to say how very happy we are to see the hon. Minister here with us this afternoon and I hope that we do not add any more stress to her. [*Laughter*] I have decided to take a different approach this afternoon. It is really pleasing to see her looking so well rested and we hope that she will continue to be that way.

Mr. President, I am going to try to stay within the Bill. I know that education is a hot topic, as you would say these days. Whereas previously I might have felt like going all around and looking at education, I am going to try to contain myself to the Bill before us about the school boards.

Let me just make one comment which probably is a bit outside of the Bill and that is, I see this whole business of school boards as a part of the total education reform package. My disappointment with the way we are presented with the reform process in Trinidad and Tobago is that we are getting it in pieces and that wholeness is not seen by the average person, unless you are very much involved in education.

In fact, I have seen other Caribbean countries that are already involved in this process, presenting documentation which could show all that is being done. Therefore, if anyone looks critically at what is happening—and I think I made this comment before, when we want to think that we are just discussing education in a piecemeal way—I am hoping that at some time the whole thing would be presented.

I remember I talked about the Secondary Improvement Programme and the Secondary Education Modernization Programme and the Secondary Entrance Examination. They are all very related in a certain way, but we are not getting it that way. We are getting it as if we are just picking up some areas that we could do, picking them from out of different places, those that are easiest to accomplish and bringing them before the Parliament. But I think the national community would really appreciate if we are into this whole reform process. As I said before, this is something that nearly the entire Caribbean is now doing and if we are into this whole reform process I think it would be good, if at some point in time, we can have this whole document.

You hear people talking about things happening—even the school building is part of it. You hear CAP and everybody is saying, “What are all these different things; where do they lead us?” Therefore, I think that the vision from the Ministry needs to be put forward so people could appreciate what is really done in that context. Those are just my initial comments on the whole thing. I will go no further on it, but really request that at some point in time we try to focus and put

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our pieces together, because all of us in this country are interested in the whole business of education and we would like to see whatever you are doing succeed. Therefore, my comments this afternoon would be out of that mode, looking at the whole process of this whole thing called school boards.

Mr. President, this term “school boards” is a widely accepted term; fortunately or unfortunately it connotes different meanings in different countries. A school board arrangement in Trinidad and Tobago is different from what it is in England or America. Even board in Trinidad and Tobago will connote different things; different structures and purposes. The closest to it is the word “board”; that sound of the word, therefore, we have to look at it very carefully in this context.

Before I go into what is here, I would want to make my own comments at this time. Not that I am against the establishment of school boards on the whole, but at a time like this, even though this is a part of the reform process, I ask myself: “Do we really need to go into the whole establishment of school boards now? Are there any other priorities that we should have taken on board before we got here? I just want to look very carefully at what is happening around us.

I was pleased to get this morning this little handout marked *Cost Implications for Local School Boards*, because one of the things that came to my mind is that there is a cost to this thing. I am asking, in terms of priorities at this time in the year 2000, whether this could not have been deferred to take care of some other areas of the education system that we needed to tighten up, which would also assist with this?

For example, this is going to cost money. I read where there are going to be: secretarial services—a secretary is going to be paid to work with the local school board; conference rooms, photocopying machines and all those amenities. As someone who lived in the primary and secondary school and even at the Teachers’ Training College and someone who knew what people were asking, I want to look back a bit. How long ago have principals in the schools been asking for secretarial or clerical services? If today we have found some money, where is the priority? What is the first group that we would want to give? Would we not wish to give those principals who have to do all this work by hand, let us say, who do not have secretarial services, the primary schools which do not have photocopying machines and all these services?

In terms of the fact that this is going to cost us a little above \$5 million per year, I am asking, where is the priority now? How will I feel as a principal in my school of 1,200, 500 or 100, having been begging for some of these things for so long and now we are going to put these school boards of nine people there and they can have these secretarial services, the photocopying machines, the computers and all of that? If I had a priority and I had this money, certainly I would start to ensure that those who are there have got what they need to do the job.

I would really like to ask the hon. Minister, through you, Mr. President, why have we not considered that? Clearly, they need the clerical services in the school, that is a sure thing. Before we launch out to give the boards all the things that they need, from conference rooms right back, take care of our schools. Take care of the clerical needs. I know the associations have been asking for that for quite some time.

At the same time, when I looked at it, there is a little stipend, travelling for the members of the board. I am asking myself, so we have a little money and we are talking about management of the schools, somewhere along the line the school supervisors are now falling out. We have to look at that, because we have school supervisors for educational districts understaffed, we need a lot more of those. Probably, that is why part of this management is in that state. We need a lot more school supervisors and, therefore, we need to do that even before we reach the boards. We need to get those school supervisors in place, because they are part of the management system.

In addition to that, just as we remember travelling for the members of the board, school supervisors—and I am quite sure that the hon. Minister would know this—some of them for many months have never received travelling. I am sure that you would have heard that mentioned by the association. They have not received travelling allowances for a long time. That is what I am talking about in terms of the priorities. How could we not settle these things to ensure that that level is well taken care of?

What else is needed for us to look at before we get here? What about that pool of relief teachers that we are asking for in the educational districts? Teachers going on holidays, teachers on sick leave and nobody to replace them for a long time; management breaking down. Therefore, I know there is a request for a pool of teachers in the district so that when these things happen somebody could be pulled into it. It is only in the education system that we have not been able to do that as yet, to have those relief teachers in a position to come on board when we need them. Probably we need to look at all that.

Where are our priorities at a time like this? This is why I am looking at this first. We need to record the things that we have left undone, as we rush off to get new things done. There is going to be some kind of conflict as we go through this whole business of the school boards. If we had looked at the things which we needed to do, the necessity to hasten the school boards now, in this fashion, would not have arisen.

I am hoping that we cast our minds back a bit, look at what is happening with the school system, see if we could put some of those things in place before we move on to a new level, which is the institution of these local school boards.

Let me just look at what is proposed in the local school boards. If I had a preference I would not have gone the way of the local school boards at this time. I would have strengthened the existing structures before I moved into this. In fact, this could have been delayed. Let us look at the school boards.

The hon. Minister in her presentation talked about denominational boards. If I am correct, she complimented them. She looked at the successes of those schools and she made us believe that because they had these denominational boards they were more successful. Therefore, she felt that instituting local school boards in government schools would also assist these schools. What she was doing was equating the denominational school boards with what she wants to put in as the local school boards.

I do not believe that they are the same except that they are both called boards, but they are quite different. I want to get that quite clear: the denominational board and these local school boards are two different things. The denominational school board is one board for all religious schools, as you would say and that board concerns all the schools under it, so you have the Anglican school board, the Roman Catholic school board, one or two different Hindu school boards, the Muslim school boards, the Seventh Day Adventist school boards, and Methodist school boards, and they take care of all their schools.

What we are instituting here is the local school board for government schools, one board for one school, and that is entirely different. What worried me is this: How come, as a Government, we will want to put in the government schools, a board for each school, as if the other schools were not our schools too. [*Desk thumping*] We are getting this thing wrong. We are looking at public schools against private schools and then you could tell me that in your public schools you

are putting in a board for each school, as against the private schools. But you cannot divide the public schools like this and say of all the government schools, “I will put a board in each school and if the denominational schools want to follow what we are doing, they can follow us.”

All these schools are funded by the Government and, therefore—I do not want to say that it is discrimination or anything like that—I am saying that you just cannot do it that way; it is not fair. That does not mean to say that I am agreeing with the school boards at all, but even with the concept something is wrong.

You cannot tell the Anglican board, for example, with many schools, “You continue with your one board for all the schools, but I am the Government. Non-denominational. I will put a board for each school.” Something is wrong with the concept, if I am getting it right. Something seems to be wrong, to me, and probably the hon. Minister will have to clarify that for me, because it does not seem right. It seems that something is wrong, because this is one system.

When we were talking about the Common Entrance Examination, the Continuous Assessment Programme and all those things, you did not say that the government schools will have that and the denominational schools will have something else; all are public schools and you were doing it across the board. Therefore, even in the concept of how this is being put out, I feel that something is wrong.

**Sen. Kuei Tung:** I thank the hon. Senator for giving way. Senator I wonder whether you will give us a comment, an opinion of yours, as to whether you think the government schools are performing at the same level as the denominational schools, seeing that you are insisting that it is one system?

**Sen. J. Yuille-Williams:** Hon. Minister, I really do not know if I want to answer directly. I do not think it is a case of performance now, because this issue of school boards has a lot to do with physical management; no. When I come to the end I will show you how I think it should be organized. What I am saying is that on paper, the concept seems to be flawed, and I will tell you why.

As I said before, all are public schools as against private and, therefore, I could not see you putting this in the public schools, each one with a board as against all the Anglican, Hindu and Muslim schools with their own board; that is all I am saying. Something seems to be wrong. There is no other place where I have seen you separating the government schools and doing something with them, as against the denominational schools; that is what I am saying, it is the concept.

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I am saying so because I have with me a document from one of the islands. They were trying to put the school boards in the educational reform process and they had some difficulty. I am not saying that this is the answer, or you copy this at all, I do not know what model you are using, but I noted in that island that the denominational school boards remained, because they wanted to look after their schools in terms of religion, in terms of recommending teachers, their staffing. But the government recognized that they were all public schools and, therefore, the Government put school boards in all those schools.

What they did after some consultation was to put the majority on the board belonging to the particular religion. So if it was a Roman Catholic school there were a number of Roman Catholics who formed part of the board. I am not saying that I like or dislike it, I am just saying that the concept was that they serviced all the public schools in that way.

The denominational schools still had their major boards looking after religious education in the schools, recommendation for staffing and whatever it was, but there was no discrimination in terms of government schools being treated this way, denominational schools, "You are on your own to set up your own system." I am just looking at it from that point of view. It struck me that way, whether or not we should have been implementing boards in this way.

I am open for this kind of discussion and your comments. That is one of the things that I noted and it really bothered me. What is the solution? How do you go around it? We could probably look at that later, but it really bothered me that somewhere along the line we are using public funds and we are projecting it into certain schools only. I have never seen it done before. In fact, there are certain things in here that I have not seen done before, but I would look at them. That is one of the things that I really wanted to look at.

Mr. President, I have before me here the Education Act from another island and I went through it thoroughly and I saw, as I said before, the school board, all schools and how they tried to get around it. Probably, we would have to do something else. Not that I am saying one board for each school. In fact, in this case too, they did not even go one board per school. In some cases where the schools were small, they had one board for a number of schools, instead of one board per school. Those are the little differences that people have according to their places. We could probably look at that.

Let us look at the composition of the boards. As I said before, this is not my priority but it is in the Act, so I am going to look at it. We are looking at the composition of the boards and we see that there are nine members to a school board. I want to look at some places, for example, from La Brea to Icacos, I will miss out some; there is Guapo, Vance River, Parry Lands, Eygpt Government School, Fanny Village Government School, Cap-de-Ville—I could call a number of schools; Cedros Government School, right from La Brea to Icacos; all those are government schools, going right down to the end. [*Interruption*] I am just looking at the close relation of those schools. Nine members to each of those schools.

I am just telling you how close some of them are and each school there is supposed to have a single board of nine people. When people asked what are the criteria for selection or what skills are required, I heard the Minister say that she did not want to put skills on, because you might not find people with the skills. That worried me a bit, because I am wondering, do we not want certain competencies there, or do we just want nine people?

So if she is saying that she did not want to put skills because, probably, in that area or community you might not find too many people with the skills, but if you look at what the members of the board have to do, you would still want that. Where are you going to get them then, if you go with it the way it is? It really bothered me. I am really serious, I was thinking about it; Salybia, Las Cuevas; go to those communities and ask yourself the question. Is it nine people you want or nine people with certain skills that can help, at least?

If you look at this same Bill and you look at some of the restrictions in it and the formalities that are there, I am saying that I am not sure whether or not we could sustain this thing, and that is my problem. We have to put something that is attainable and I have a difficulty whether what we are asking for in this Bill is attainable. Anybody reading this Bill can see that this is not attainable. Even from the composition of the board where you have a principal, a member of the union and the parent teacher association. We have to beef up some of the parent teacher associations in these schools; some of them could scarcely muster a PTA. We need a lot of work being done and you want males and females from the PTAs.

I would not say anything. I hope it is competence that you are looking at and not gender; but I would go around with that. The board is also supposed to have a member of the past pupils' associations—some of them do not even have past pupils' associations, therefore, you might hardly be able to get the nine people,

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but you are supposed to get nine. What I am seeing is just nine bodies you may just have to put there, to say that you have nine people. That bothers me, because with all the other things that you are having here, we have to look at who goes onto these boards. So it is not just a case of putting nine people. [*Interruption*]

**Sen. Prof. Spence:** Mr. President, my impression is that the nine is not mandatory. It says, “no more than”, which I interpret to mean it could be less. I wonder if the Minister could clarify.

**Sen. J. Yuille-Williams:** Thank you; but somewhere along the line a quorum is five. A quorum is five, so you are going to have some people to get five as a quorum.

What has happened as well—and I am just looking at it in this way—is that we gather that the size, whether the school is 800, 1,000 or some small schools of 100 students, have the same size board and the same requirements. Regardless of the community, it is all across the board; it is the same thing. We need to study some of the things that we have here; the intricacies of the whole things. How are we really going to operate this thing?

### **2.10 p.m.**

Regardless of what you have; if you have a hundred children you still want nine members. That is what the Bill is saying to me: that you have the same size board. I saw nothing that tells me anything about the size. It is just— [*Interruption*] What I am reading. Probably the Minister will explain that to me. I am just saying that in terms of what is here before me. That bothers me as to the composition of the board, the skills that would be placed on the board, because the board has real work to do.

I also looked at appointment and termination. I do not know if, as a non-legal mind—this is just an example. Look at Regulation 5(1), it states:

“Where a member is, by reason of illness or otherwise, unable to perform his functions...the Minister may by Order, appoint another person to act as a temporary...”

Let me tell you something, there will be over 70 or 80 boards as the case may be and the Minister has—I hope she or her Permanent Secretary does not find it very stressful—a lot of work to do because where somebody is ill the Minister may, by Order, appoint somebody to act. I am wondering whether or not—I am just asking

from what the regulations state—if it is a PTA member the Minister might appoint him; whether it is a union member, the Minister might appoint. The way it is drafted, it shows that anytime somebody is missing, for whatever reason, the Minister will do the appointment.

I am just saying from what I am reading and how it is stated; the Minister by Order will do it. We have to believe what we read here: that the Minister by Order will do it. Not as I hoped, when the appointments were being made, the same recognized bodies would have done it. What one has to say is: The Minister could do it. Probably I am subject to correction there, but that is what it states. I think we need to take a little more time when we put it together. Probably that is not what is meant, but we cannot just interpret and think what is meant. I have to go with what I see.

I really looked at this thing about revoking the appointment of a member. I am saying, if anyone looked at Regulation 5(1) and (2), which deals with the revocation of appointment of a member, this is a very serious thing. If he is absent without leave of the Chairman—that is the little board in Salybia which I am speaking about. If he is adjudicated bankrupt—some of them might have come on board bankrupt because there is no real criteria for those who were coming on the board. They were just appointed, but if he is adjudicated bankrupt—and somebody told me some of the members might have been bankrupt before they started.

When I looked at things in here: if he is adjudicated bankrupt, if he has a criminal offence, if he is mentally or physically challenged rendering him unable to perform; I am wondering, in terms of the selection, these things were not there. In terms of revocation of the board members—we do not want to put things in here just because we could put things in here. We ask ourselves how did we get to this stage? How do we get to all these boards—nine by how many people the Minister has to look at to find these different things to revoke appointments? We are not putting things in here just because we want to. I have looked at many boards and I have never seen things like what I am seeing here about the appointments and the annual general meetings and how things are held. Some things seem to have gone beyond what we expect of these boards, even in the way they are appointing and the way they conduct their business.

The minutes of all the meetings must go to the Permanent Secretary. Could you imagine the host of things coming to the Permanent Secretary from all these boards? What is the Permanent Secretary doing with all those Minutes, I ask myself? Where is the School Supervisor in all of this? Let us think about it. We

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have gone around them. I am wondering where are the school supervisors who would normally relate to things. There is no place in this where I am reading anything about school supervisors and I get worried as to what has happened to the school supervisors now. Have we bypassed them and all the Minutes, reviews and everything will now go to the Permanent Secretary?

What is the Permanent Secretary doing with all those things at the end of the day? He could scarcely handle what he has to do now to get all these Minutes and reviews every month and all the paperwork coming there. It is a little more difficult, because previously there used to be the school supervisors helping in terms of trying their best to see what they could with the Ministry to get things for the schools in the areas. Now that has gone on. The board is working and everything now goes to the Permanent Secretary. Therefore, I am seeing that he/she is being bypassed. I am not surprised because sometimes we forget the functions of these people. School supervisors are very important people.

I remember standing here talking about something on education recently, before the hon. Minister was here. That day when I spoke, I said: “By Friday the Chief Education Officer would be out of office, and we will have no Chief Education Officer in Trinidad, because no appointment was made.” That was months ago. I am happy to announce none has been made up till now.  
*[Interruption]*

**Mrs. Persad-Bissessar:** As far as I am aware there is a person who is in the post of Chief Education Officer. As long as the Chief Education Officer—just as when a Senator leaves the House, whether the Senator is ill, goes abroad, resigns or retires, there is a person in the office—

**Sen. Shabazz:** To act.

**Mrs. Persad-Bissessar:**—to act. It is not that there is no person in that office. I think it is misleading to say that there is no one. There is someone, her name is Dr. Janet Stanley Marcano. Therefore, we have to await the paperwork through the Service Commissions. It is not the Ministry of Education who creates an appointment. We can recommend people for acting. But those positions, which you may well know, are done by an independent service commission, over which we have no control. It is totally misleading, in my respectful view, to say there is no one in the post.

**Sen. J. Yuille-Williams:** I am glad to hear you say Dr. Janet Stanley Marcano is the acting Chief Education Officer. I wonder if anybody else knew that? That is surprising to me but you said that she is acting. I am saying that you have just said Dr. Janet Stanley Marcano is the acting Chief Education Officer. I am saying that is not known to a large number of persons, not even in the Ministry of Education. But I shall stand by what you have said. I just made that point again because what I am saying is that it has been months now that post has been vacant and it is months now that person has been acting. But the person who was leaving that position, months now, would have sent in the letter of retirement. Therefore, why should that happen? The Chief Education Officer has left and many months after, this has happened. Something was delayed.

I was only using that in the context of the functionaries that we have there. I am saying, with the board, the school supervisors—I do not want us to turn off to the Chief Education Officer and miss the point that I am making. I am trying to look at it in terms of the board, that things are going to the Permanent Secretary and the Minister. I am asking where is the school supervisor in this whole thing as far as the board's functioning is concerned. That is all I have been asking because it is important.

When I look at the duties of the board which are stated there, it seems to me that you just do not put nine people there with the necessary clerical assistance and expect it to function. Work has to be done. In fact, I am sure there must be manuals. You have to train these people if you really want to succeed, otherwise it will go the way—I do not know about the school committees, which I heard were there, and some of the PTAs—This will be no different: the work that has to be done here. There must be some very serious training programmes for the members of these boards, as the case may be. These people have to be accountable to somebody. They have to discuss goals, targets and finances. There is a very formal way these people operate. Therefore there must be a lot of training programmes before these could function.

I am wondering why is this so heavy. I looked at other boards and I do not see all these restrictions. I understand that Regulation 12(1) states that a quorum is five. Therefore, I am looking at the entire thing. I am saying that I feel it is not attainable. I do not want to say that it will not work. But a number of them will be there and what we expect of the boards we will not have, even in terms of getting personnel.

What is the board to do? What I have been hearing is that there had been some delays in getting things done and the Government feels that with a school board in place at each school, it would be able to get things done even faster, boards will go out and try to raise some funds that will help to do things with the repairs and what not. But there are some boards out there, there is no way the communities would report anything at all.

**2.20 p.m**

Therefore, if there is a way of passing it over to the board, I am saying it cannot be, because you have to fund these things. There is no way that those small schools in Salybia or Las Cuevas could be supported by the community, or that it could in any way assist in raising the money to do anything in some of these schools.

When I read the *Hansard*, I am getting the feeling that we are expecting these boards to take up the slack whereas, as a responsible Government we might not have been able to attend to their needs. Therefore, we would have to look at that very carefully because the same things that we are expecting, probably it could be a little more frustrating not only to the boards, but to the schools and principals because they now have a different way of getting things done than before.

This is another point in the case of decentralization. There are eight educational divisions now and schools are organized in educational divisions. I know ahead of time that there is a plan to come up with four education divisions; three in Trinidad and one in Tobago. Therefore, what is going to happen when we organize these four education divisions? How are these boards going to relate to them, straight to the permanent secretary? What is going to happen at this point? These Regional Education Districts as they call them (RED), how are the boards going to operate in terms of these four? If we are talking about decentralization, why are these boards even now, reporting to the permanent secretary? If we have not put RED in place as yet, which are the four? There are eight educational districts, the least you can do is to let those in each district have some kind of district board so you could have eight for the time being with representatives from all the boards if you want to keep all these boards, because they need some support. So if there are all these boards in a district, for the time being, as you have eight educational divisions, why not let those in each division have a board to which they can all come at some point so there is one representing the others—a central board. Out of these eight then you have a board for the Government schools which is in the same line as the denominational boards. That is how you get there.

I am suggesting that if you want to go this way, that is how I think you should go and then you could tell me that your boards are now the same as the denominational boards. Within a district—for example, I am in Victoria—the schools that are there have small boards and there is also a regional board there. So there are eight of those and out of those eight, form one national board for the government schools, that Anglican or Roman Catholic Board, then you can put a system in place that is akin to the denominational boards. As it stands now the system that is being put in place is not akin to the denominational boards. When it comes to four boards, just rearrange the whole system so you will have three regional boards in Trinidad and the one in Tobago will make four and out of that form a national board for the government schools, then there is no discrimination. There will be a national board for the government schools, one for the Anglican.

At the moment there is a serious flaw in the whole thing. If you are talking about decentralization, what are you doing with all the boards relating to the permanent secretary? There is nothing like decentralization there, so we are getting things mixed and we have to prepare for it down the line. That is why I said if you look at it as a whole, we would not be doing these small things as we go along—piecemeal things. It is the same thing they tried to do with the Regional Health Authorities. It was said that all these hospitals were related to the Ministry of Health and we were trying to see if we could do this regional health-to-health, similarly with the schools if you want to do something, but to put everybody going to this is a waste of time. No permanent secretary would want to go to the Ministry of Education again or if he or she goes, that person will only be looking at paper after paper every year and not being able to respond to it.

Mr. President, I looked at it critically, but I am one of those persons very interested in education and what happens in education and even though I said at the beginning that this is one of areas for reform, I am repeating that there are things we need to do before. You cannot look at public schools from two perspectives; denominational in one way and government in another. You have to look at all of them. If you had allowed all the schools to have the same boards and grouped them according to regions, the functions of all of them would be the same in terms of the physical maintenance of the plant and so forth. So you would have all the schools enjoying that, grouping them according to regions, but the denominational schools would still have their boards, and there is a national board for all the government schools.

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I hope that the hon. Minister will think about what I have said in that light, not because I wanted to be critical of what is here, but I see it is seriously flawed and as I said before, this is not the only place that is doing this. Other countries have been doing it, communities too. You have to look at boards in the inner city and in the rural areas and think about what we are doing because at the end of the day we do not want to have things on paper and not functioning. It must be attainable, we must be able to put things in place not just in name, that there is a school board that we could find the personnel, do the training, group them that no one would feel discriminated against and that something flows out of it all.

I have real problems with this entire Bill and even with the Regulations. I am not saying so because I want to be critical. It bothers me because I went through everything and sometimes I am looking at it and when I read it I really do not think people took into consideration schools, communities, skills, what you are supposed to, even the whole reform process of decentralization and training necessary.

It is all well and good to bring this to Parliament as one step forward, but I still feel we need to look at it very critically to see we are doing the best for schools and not creating another monster or a system that fails. In fact, when I read about the school committees, I called some people at the ministry and asked about them and I could not remember getting very far. These boards are replacing the school committees and I could not get very much on them. Not that I was worried in any way. These boards are supposed to replace school committees and what is expected here is very difficult to attain.

I am really hoping that we could look at it because when we try to put things in place in terms of legislation, we find in many instances things are not happening and we ask ourselves why. It is probably because what we try to do was not attainable. We have some money to spend, let us spend it wisely. There are a number of schools which it is felt need support. Let us see which is the best way of giving that support. Not that I am saying that the government schools do not need support. All schools need support, but what is the best way at this particular time that we give the support? Have we tried what we have—have we tightened up on what we have? All these things need to be looked at. A little over \$5 million a year is money that must be well spent. You might find that it is not much money, but it is money we could very well use in some other way in the educational system.

I said before, I decided not to go outside of this but this is all part of the reform process, something with which I did not agree and the way in which it is undertaken in Trinidad and Tobago. There are other things that we can do and I hope that the hon. Minister would take into consideration some of the comments which I have made in good faith as someone who is very much interested in education in Trinidad and Tobago.

Thank you.

**Sen. Prof. Kenneth Ramchand:** Mr. President, I begin by saying that I am in principle in favour of the establishment of local school boards, but I have to add, I do not believe that the present proposals would create local school boards that can take full advantage of the partnership of parents, teachers, ministry officials and the community that local school boards in other places do and are intended to do.

I would also like to add that when I look at the regulations concerning local school boards, I cannot see anywhere or anyhow that they would have the effect of lightening the work of ministry officials. I do not see any way in which they would be able to contribute in an original or an inventive way to improving the quality of education. I see that they would overlap a great deal with, and in some instances, usurp the activities of PTAs, and most importantly, I feel that creation of these local school boards in the form proposed would pre-empt the development of the Principal-PTA relationship which exists in the assisted schools and which I believe is the main reason for the success of the assisted schools as against the Government schools. These relationships between the PTAs and the Principals operate outside of the bureaucracy. They do things quickly, effectively, and they mobilize people. They do not have to wait for a decision from Headquarters.

Mr. President, I feel the most harmful, unintended effect of local school boards is that they might prevent the creation of this kind of voluntary relationship between PTAs and Principals which has been so instrumental in the success of the assisted schools.

I intend to take my full speaking time and bearing in mind deliberate non-listening, abbreviated concentration spans, and bearing in mind the boringness of serious subjects, I state early what I am going to be saying. I want to give my main points, my procedure.

First of all, I want to express uncertainty about the possible effects of the Local School Boards so one part of my argument would be that. Then, I want to look at Local School Boards in the context of the restructuring and decentralization of the Ministry of Education and the education system. Then I

want to look at the composition of the boards and the regulations. In the next movement, I want to look at the hon. Minister's discussion of the composition of the Boards and their powers and duties. I am looking at the composition and regulations and the Minister's explanation of these because I believe this is a crucial area and I want to show what I said I believe about local school boards—that they will not have the effect of lightening the duties of Ministry officials or of improving the quality of education and you can see that, if you look at the composition and the regulations.

**2.35 p.m.**

There have been a number of references to the difference between the Government schools and the assisted schools. I want to say my bit on that too, and to suggest that the local school boards that are now being proposed are toothless, financeless, powerless when compared with the boards that have been permitted to exist for the operation of the assisted schools. If we are about to create local school boards to carry out the functions that the school boards for the assisted schools are carrying out, then there should be some kind of parity in provisions for these boards. But we will go into details about that.

I want to look at the Education Act to see where the difficulties that we are now in, really began. First of all, I want to point to the failure of successive governments to do what the Education Act permitted them to do. It is that failure that has led to the present administrative logjam and the consequent under-development of many of our schools.

In the final movement, I want to look at the poor beleaguered school supervisors, and to suggest ways in which we might sit together and invent a new kind of school board that would take advantage of the strength of parents, family, community, educational professionals and teachers, all working together within particular regions. So those are the points I want to cover.

The proposal to establish local school boards has to be seen in the context of two major problems. The first of these is the undoubted lack of success of over 50 per cent of our schools. I would just like to read a comment from the Education Policy Paper 1993—2003, submitted by the National Task Force on Education which is now a White Paper. That task force says:

“Many schools in our nation are run down, not only in the physical and social sense, but also from the perception of the organizational, administrative and professional qualities that are expected to exist therein. Schools like the rest of the system, exhibit symptoms of organizational pathologies, low levels

of academic attainment, disproportionate learning disabilities; inefficiencies and ineffectiveness of teaching methods used; inappropriate curriculum; teacher and student indiscipline; poor motivation, morale, commitment loyalty. These problems need to be urgently addressed.

Mr. President, I am looking at the creation of local school boards to see whether they are likely to make a contribution towards alleviating this condition that exists in more than 50 per cent of our schools.

The second large problem that we have to see the local boards in relation to—and it is a massive problem—is weaknesses in the structure, the management, the operations and the staffing of the Ministry of Education. The Ministry itself is aware of these and I seek your permission to quote from the resume´ of a note that went to Cabinet—E 58229, January 04, 1999, paragraph 8.

“Among the most urgent problems of the Ministry are those of an inadequate and congested implementation capability caused by over-centralization, overburdened heads of division, lack of high level support, both structurally and by virtue of unfilled vacancies. These problems lead to weak and sluggish co-ordination, and to a host of related problems including poor supervision.”

That is the ministry’s own assessment of weaknesses in structure, management, operations and staffing. When I look at the proposals for the establishment of local school boards, I have to ask: “How do the boards help to resolve these two large questions? The lack of success, and the underdeveloped nature of many of our schools, and the weaknesses in the Ministry of Education.” We have a problem.

We want to reform; we want to improve the quality of education but the machine that is supposed to do that is also in need of reformation. I do not believe that we have to do one at a time; we have to work on all fronts. But I am saying that that is a very difficult dilemma in which we find ourselves. If we are going to waste our time here, talking about local schools boards, I want to be sure that when we talk about local boards we are concerned about those two major problems I have already stated.

For some time now, people have been arguing that the solution to these problems lies in the restructuring and decentralization of the Ministry of Education. When the Heads of Divisions do their strategic reviews that is the first thing they come up with: we need to restructure and we need to decentralize. I have a kind of half-joke attitude to these fellows because the ones who are not

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implementing the system are always meeting and having strategic reviews, and all of their strategic reviews only serve to consolidate the nonsense they are already doing. But there are these strategic reviews periodically, and they all say, “restructure and decentralize.”

In 1997, there was a Coopers and Lybrand Report on restructuring and decentralization which, among other things, makes the points I was making about the schools and the logjam, and the in efficiency in the ministries. The Government has taken this question very seriously and they have paid money for Coopers and Lybrand’s Report. A number of the consultancies under the Secondary Education Modernization Programme have commented on the need to restructure, and decentralize.

Many other committees, like the Pantin Task Force on textbooks, have made comments in passing, on the lack of co-ordination of the ministry. I am on manners—I do not say anything about textbooks. Before all these reports had been done; before all this money was spent, we had this Education Policy Paper, 1999—2003 which says everything that all of these paid reports have said. They say them better; they say them with more depth; they say them with more knowledge; they say them with more professionalism, and I do not understand why the Government does not take the whole of this White Paper and implement it. All the suggestions for the creation of School Boards, whether it should be school-based management or district-based management. All the suggestions for a proper decentralization exist in this paper.

**2.45 p.m.**

However, Mr. President, there is one difference between this and many of the other reports; it is that this White Paper makes a distinction between decentralization and devolution. The institution that I used to work for, would tell us year after year that they are decentralizing, they are democratizing, they are restructuring and the effect of every decentralization and every restructuring has been to concentrate power in the university in the hands of a smaller and smaller group. I feel that part of the problem with our plans for restructuring and decentralizing the Ministry of Education is that we do not want to bite the bullet and go in for devolution.

That, to me, is one of the reasons why the present proposals for local school boards are going to be quite ineffectual, because these local school boards have no real power; they can do nothing. They will be glorified fund-raisers and they will be glorified telephonists to phone up WASA and say that the school does not have

water. Their job is to recommend and to suggest. They are not asked to sit and think about education. Well, when you look at the membership, the composition, you know they are not really being constructed to do that. Why are we talking about decentralization? Why are we talking about restructuring? Why are we talking about education for the new millennium if we are creating structures that will not free up the creative imagination and thinking? Why are we not creating structures that will make use of the family of parents of the local community in fine tuning the educational provision in our schools?

Mr. President, there is massive—voluminous—literature which shows that the best educational systems draw upon parents, the village. I cannot remember where the quotation comes from, but, “it takes a village to educate a child.” It is not just the school or the computer. In this vein I am going to sound my warnings about distance education. If the Government believes that distance education is going to educate anybody it would be very sadly mistaken. Education comes out of a context of people interacting, and the education of the young, more than the education of the old, requires that context of people interacting, creating a situation where we encourage, monitor and celebrate the whole child, the whole development of the child as a person and where we guide and encourage him as a young mind into the acquisition and use of knowledge and thinking. We have that kind of responsibility, Mr. President, and at the younger levels we need a kind of community-based education that is going to be interested in the whole development of the child.

When I was growing up, if I went to school and stole somebody’s “dongs”, before I could reach home the message would have reached home because the “dongs” tree owner knew it was me, and the “dongs” tree owner knew my mother. By the time I reached home my mother would say, “You enjoyed your dongs?” I would know then that I was getting licks. You see, the gram is working. I suppose we cannot really have that again. But I believe we could use the local school boards and the partnership of parents, teachers and the community to try to recreate the idea of community around the school. So when we talk about local school boards we are not just talking about an administrative convenience, we are talking about something that can have an effect on the moral, social, psychological and cultural life of the nation.

So, Mr. President, in looking at the question of restructuring and decentralization, we have had a lot of discussion about something that is called REDS. I really do not like the abbreviation; Regional Educational Districts—REDS. I mean, an old commie like me should like it but I do not. At any rate, they are

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talking about regional educational districts. In the same way that there is a School Improvement Programme where the school gets \$90,000 to improve things, they are calling these grants SIP, as if they want to indicate that what they are giving you is a little 'sip,' a paltry \$90,000 to obedient Principals to improve their schools. I do not like these abbreviations.

The regional educational districts are being proposed to replace the divisions that are authorized by the Education Act. Instead of educational divisions you have educational districts. Now, I feel that is a significant change. Linguistically if you move from division to district you are talking regionalization. You are not talking about an administrative convenience called divisions or categorization, you are talking about district, you are talking about location. Whereas we have had eight divisions before, there is one in my opinion, misguided, proposal that we should have three districts in Trinidad and one in Tobago to cut it down from eight to four.

The Coopers and Lybrand Report had suggested five or six, but a general principle that I feel should operate in the creation of these educational districts is to remember that we have regional health authorities and we are doing a kind of regionalization. As far as possible, we should constitute regions and then say, "Well, this region is the same region for health as it is for education; this region will have a big central post office, it will have a big bus depot—every region; this region will have a set of central Ministry of Education offices which would liaise with the other bodies involved with education in the region; this region would have a whole set of Red House material which we will move from Port of Spain into the region", *et cetera*.

If you are going regional in education, you have to consider regionalization in other areas and see to what extent we can get together and allow these different regions to coincide. Maybe we can get the boundaries to coincide for everybody. I do not know if it can be done but certainly, before we go into the numerical thing of five or six or four or three or one, we should think of that. The Coopers and Lybrand Report recommends five or six and it says that it believes that we should go for a district based management model. This is elaborated as follows, Mr. President. This is from the Coopers and Lybrand Report.

"Each district will require a fully equipped headquarters with phones, fax, duplication equipment, photocopiers, computers, vehicles, storage and distribution capacity, security and general administration service, messengers, drivers, administrative officers and clerks and should have a resource centre where training and development activities and large meetings are feasible. It

will also have in association a multimedia library and information centre linked to the resource centre and available to schools. To reflect the thrust for excellence in customer service each will also have a customer service centre.”

Mr. President, the district-based management system was proposed by Coopers and Lybrand, even though they seemed to have a theoretical preference for the school-based management system, since school-based management might be very difficult to implement in practice. I am looking at the proposals for local school boards and I am looking at them in a void because it is still a secret as to whether we are going to have educational districts, and whether we are going to have three or five or six or eight.

I find it very difficult, not knowing what decisions are being taken about educational districts, to make a final judgment. But I do know, looking at the composition of the board and looking at the Regulations, that this Board will have no standing in relation to the organization of the districts. [*Desk thumping*] This Board, as proposed, will have no standing in relation to the school supervisors [*Desk thumping*] and the Ministry, in relation to the PTA, in relation to the teachers or in relation to anybody. It is yet another entanglement added to another tangled administrative body.

I am in favour of local school boards, Mr. President, and here I have to say that, well, I find myself—first of all I find, wonder of wonders, that TTUTA and the Minister are completely in agreement on this. I have talked to TTUTA about the school boards and I got from them a letter that they wrote to the Minister and to which the Minister referred in her presentation. I believe that, if TTUTA and the Minister are at one, it is not that TTUTA is educationally backward and do not understand the significance of local school boards, I think TTUTA is acting out of fear. They are acting out of some kind of territorial imperative. They feel, and they have been made to feel, that the local school boards will be an instrument that will interfere with TTUTA and it will interfere with the professional activities of teachers.

So TTUTA complained by saying that they agree that local school boards have a role to play in assisting with the maintenance and repair of plant and equipment, fund-raising activities and establishing relationships with the community, but they object to the professional-related amendments to the Education Act. The proposed amendments, they feel, go beyond these functions and seek to direct and control the operations of teachers and the school administration. TTUTA complained that the amendments would seek to direct and control the operations of teachers and the school administration.

Well, I have read these regulations, Mr. President, and I cannot see that and, therefore, when the Minister spoke she assured them there is no such provision or possibility. “These school boards are toothless. They will not seek to direct and control the operation of teachers and the school administration”. TTUTA argued that the school boards should not have the authority to interfere with the autonomy of supervisors, principals, and teachers, as agents of the Ministry of Education in curriculum or other pedagogical matters. The Minister agreed: “No, no, they will not have the power to interfere.”

**3.00 p.m.**

“We remain quite stratified as we are, she seemed to be saying. We have to deal with the Public Service Commission; we have to deal with the Teaching Service Commission; we have to deal with the Ministry of Finance; we have to deal with our own uncoordinated supervisors. Do you think that we are going to bring in a board to interfere with all of that? We are tangled up already.” The Minister assured Trinidad and Tobago Unified Teachers’ Association that the local school boards would not interfere with the web of supervisors, principals and teachers.

The Trinidad and Tobago Unified Teachers’ Association complained that local school boards should in no way interfere with or usurp the powers of the Teaching Service Commission. If I were the Minister of Education, I would want to interfere with the powers—

**Mrs. Persad-Bissessar:** We can, constitutionally.

**Sen. Prof. K. Ramchand:** I know. So, to continue, the Minister confirmed to the Trinidad and Tobago Unified Teachers’ Association that “the boards cannot and will not interfere with teachers or educational matters.” The Trinidad and Tobago Unified Teachers’ Association ended its letter by praying that these boards should be purely advisory in nature with respect to recommendations to the principal and the Minister, and the Minister said the prayer was already granted.

What I am saying, in a backhanded way—it is not a nice thing—is that the Minister and the Trinidad and Tobago Unified Teachers’ Association agree that the local school boards should have little or no power. I am complaining that I need local school boards that have a lot more power and influence than that.

Mr. President, consider the Regulations. The Minister makes it clear that the school boards would have a function in the maintenance of school plant; that they will assist when there are crises over water and electricity *et cetera*; they will do

fund-raising; they will liaise with people in the community; they would make suggestions and recommendations for the development of the school. Her interpretation of the regulations is correct. I am questioning whether these weak regulations should exist.

On the Minister's own interpretation of the regulations, there is nothing that gives power over anybody to school boards. And you can see it; there are some strange amendments here to the Education Act, but the creation of local school boards has had no consequent effect on regulations concerning the duties of school supervisors or the duties of principals. This tells you that it is not really deep legislation; it is not getting into either administration or the quality of the education.

Mr. President, I find that there is no devolution; I find the overlap with the Parent Teachers' Association potentially harmful and when I look at the regulations, there seems to be some ambiguity as to whether the people who are to be appointed to local school boards are required to be able to be in the region, or whether they should be people residing in the region. I would like to suggest to the Minister that if these proposals for local school boards should go forward, all members of the local school boards should "reside in" the district. It should be clear in the legislation that they should reside—not be able to come by taxi or Mercedes Benz. Members of the school board should reside in the area.

There is potential confusion. There are 477 primary schools of which 136 are government; there are 46 traditional secondary schools of which 17 are government; and there are 54 secondary schools in the new sector all of which are government. So 136 plus 54 is 190 plus 17, I think that is 207. There are 207 schools. I want to know if each of those 207 schools is going to have a local school board. Where are we getting the people to man these school boards? I would like to see the legislation recognizing that there might be a problem to have a local school board for each of the government schools.

I hope I have done enough to show that the present proposals for local school boards not only do not take advantage of the possibilities offered by local school boards elsewhere, but in many ways they would add to the complications of the system. The trouble is that when you bring in something like local school boards there should be a vision or a philosophy. You have to say, well, my idea, or our idea, of education is so-and-so and the local school boards have been devised to enhance that, and the possibilities inherent in local school boards is that they enable a community to hone, shape, devise and influence. They do not allow the community to devise educational policy, but they allow the community to

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interpret educational policy. There is always a leeway within policy for variance of the interpretation and local school boards interpret policy according to the needs of the particular regions, parents and children where they are operating.

I think—it is one of my obsessions—that I really do want to see, especially primary schools that are rooted in community and primary schools that make use of parents, teachers and the children themselves in a proactive way, to re-create either a new kind of village or community, for this would affect not only the kind of people we shape, but the kind of society that we are producing.

Mr. President, I want to remind you that the idea for local school boards, the first reference to the need for local school boards was in 1869 in the *Keanan Report* on Education in Trinidad. Keanan was an inspector of schools in Ireland. He was invited by the Secretary of State for the colonies to enquire into, and report on, education in the colony.

### **3.10 p.m.**

Among his statements concerning primary education is that the plan then in force of exclusive management on the part of the state should be abolished and that, in future, all schools should be placed under the care of responsible persons having local relation to, or connection with, the places in which the schools were situated. I just want to repeat that phrase,

“responsible persons having local relation to, or connection with, the places in which the schools were situated”.

This Irishman came here and he had never heard of Trinidad and Tobago before. Incidentally, Keanan was the first person who proposed the establishment of a University of the West Indies; it is there in the Keanan report. He did not have any political intentions; he was an educationist. He just felt that this place deserved a university and that the campus should be established in one of the islands and that campus should have relationship with the other islands.

Mr. President, one of the contentious issues in the whole educational system has to do with the fact that we have a dual system of church and state. I have given the statistics; I will give them over for the primary schools. Of a total of 477 primary schools, 136 are government schools. So anybody who is trying to reform the education system has to take account of the fact that denominations run the majority of the schools. They have a certain power in the system.

I remember when Eric Williams was on the campaign trail: he looked at the Concordat and examined statistics to understand the way in which children were being admitted to schools. He ended his speech by saying that he has found blatant racism by the denominational schools in the way in which they interpret the Common Entrance Examination results to admit children to school. I do not know where he got all the names and addresses, but he got the names and addresses of candidates and how many marks they had and he showed, again and again, how the denominational schools operated in favour of people who came from their religion, even though other people had kids with higher marks, sometimes five, six or 10 marks above them in the Common Entrance Examination.

It looked as if at that point Williams was going to try to unscramble the Concordat, but he could not. He had to back down and learn to live with the denominations. Mr. President, yes, we have to live with the denominations.

The Minister in her presentation said that there is a perception that the assisted schools do better than the government schools and that one reason, perhaps, for this—I have to say that she was very careful, she did not say, “That was the reason,” she said that there was a perception that the assisted schools are more successful. A very philosophical statement. What is a successful school? There is a perception that the assisted schools are more successful and one reason for that perhaps, might be the system of school boards that they had in place.

She also said that one reason she likes the assisted schools is that there is an impression or a tendency for their education to be values-based and that these schools provided religious education. I would follow that up by saying that what that means is that it was responsible for more discipline and a better attitude in the schools. Those are two things she said about the assisted schools. She was not offering these as absolute affirmations, but she was saying, “It looks like that.

Mr. President, I have some sympathy for the argument that there is more discipline in the denominational schools. It certainly is very clear—[*Interruption*]

*Motion made*, That the hon. Senator’s speaking time be extended by 15 minutes. [*Sen. Prof. J. Spence*]

*Question put and agreed to.*

**Sen. Prof. K. Ramchand:** Thank you, Mr. President and Senators. I know it could be against the grain, because this is not an easy subject.

I want to go to the Education Act to get at some of the differences between the assisted schools and the government schools. The Education Act, 17(1) is very clear about the assisted schools.

At (15)1 the Act says:

“...there shall be established, for the purpose of exercising the control of the school, a Board of Management consisting of persons appointed by the authority which established the school,...

- (2) Every assisted school established after the commencement of this Act shall be controlled by a Board.

Section 17(1) states that subject to this Act the Board does the following:

“(a) shall have the control and management of all matters relating to the establishment and maintenance of new schools, the making of applications for recognition of new schools, the maintenance of existing schools; the re-building or extension of schools and such other matters relating to the organization of such schools...”

So the denominations have been granted powers, there has been a certain amount of devolution. They are allowed to determine where new schools should be built.

It continues to state that these boards

“(b) shall receive, disburse and account for the expenditure of such grants-in-aid as may from time to time be allocated to them from public funds.”

The denominational boards are given money by the Government for running the schools.

“(e) may, from time to time as may be necessary, appoint or suspend or dismiss a Manager for a school or schools, and may delegate to such manager such of the powers and duties of the Board as it may think fit;”

Mr. President, the Education Act is very clear about a certain devolution of power and authority to the denominational board.

The same Act dealing with government schools says at section 23:

- “(1) The Minister may, whenever he considers it expedient, by Order constitute Committees of Management for any Government school, consisting of such number of public officers as he considers appropriate.
- (2) ...a Committee established under this section shall exercise such powers, functions and duties as are conferred on it by the Minister.”

But never since this Act has there ever been appointed a Committee of Management for government schools. Never! That could well be one of the reasons for our problems. I do not know why governments never appointed Committees of Management.

Now, Mr. President, the present amendment, I suppose, makes a little joke when it says—in the Explanatory Note it says:

“This Bill seeks to amend the Education Act...to establish Local School Boards to exercise the powers currently being carried out by Committees of Management for Government Schools.”

That means do nothing, because we have no Committees of Management; never had. Anyway, the let out was that if you did not establish a Committee of management, you could according to section 24 put a supervisor to do the work:

“In the absence of the establishment of a Committee under section 23 Government Schools shall be controlled by a Supervisor of Schools designated as Manager of the school subject to the directions of the Minister and the Supervisor shall exercise such powers, functions and duties as the Minister may confer.”

This piece of legislation, which says that you establish committees, but if you do not establish committees you appoint a Supervisor to manage the school, has been used by government after government to centralize the system. They would send out a School Supervisor III to deal with this school.

Then in section 26 they laid down the duties of the Supervisor. I would not want to be a Supervisor. From (a) to (l) the present amendment gets rid of (j), (k) and (l).

- “(iv) Supervision and inspection of the programme of education required by the curriculum;
- (i) ensuring the school premises, property and stock are protected against improper use;
- (ii) submission of reports on matters relating to the discipline of teachers;
- (iii) the conduct and supervision of courses of induction and training for untrained teachers in service as well as courses for other teachers;
- (iv) the observance of the provisions of this Act and the regulations pertaining to the conduct of schools;

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- (v) the arranging of the approval of such special leave to teachers as may be granted;
- (vi) arranging for the approval of school holidays considering and assessing the confidential reports of teachers.”

So in the government schools the school supervisor became the dogsbody taking the place of committees of management. This was bound to produce tiredness and inefficiency, but I think that it was done in the interest of some kind of central control.

Now mind you, Mr. President, this is the kind of catch in it: if a committee of management had been appointed, you would still have the supervisor to deal with, but in the government schools you do not have a committee of management, you just have the supervisor. But supervisors operate in all schools, whether they are assisted or government. So the assisted schools have the advantage of a board, plus the liaison of the supervisor.

So if you want to find out why the assisted schools stand a better chance, they have more manpower; they have their boards plus the school supervisor. The government schools have no committee of management; they just have the supervisor, in addition to a measure of devolution, getting funds and so forth.

In the structure of management with respect to all the public schools, government or assisted, the principal’s duties are spelt out, and may be summarized as the day-to-day running of the school. For denominational schools you have the principal, the board and the school supervisor. For the Government school, you have the principal and the school supervisor.

Also within the Act, there is provision for the appointment of a national advisory council on education, a macro body. But the same Act which allows us to have educational divisions says that you can have local advisory councils. These were never established. So there is the Act giving a good structure: principal, committee of management; school supervisor; local advisory council, and then you have the national advisory council to which you can relate. The Act is giving that, but nobody took advantage of that.

They just turned to the poor supervisor—I say poor supervisor. Let me tell you something about supervisors.

**3.25 p.m.**

There are 62 positions of school supervisor in Trinidad and Tobago, and there are 30 positions of curriculum officer. If you think only of primary schools, one school supervisor has to deal with 20 schools. Since Independence, there has been no increase in the number of school supervisors but there have been increases in the number of schools. Since Independence, Mr. President, more and more duties have been added to school supervisors, but no new school supervisor has been appointed; vacancies have been left unfilled.

I just want to read, again, from this Cabinet document concerning supervisors.

"There have been no increases in the numbers of supervisors in the 36 years since Independence. They reflect ratios of 20 schools per school supervisor. This situation is exacerbated by the fact that the Ministry of Education has not been permitted to fill several of these posts.

Where curriculum officers are concerned..."

Listen to this, Mr. President:

Where curriculum officers are concerned, taking into consideration the number of subjects taught in schools, there is typically one curriculum officer per subject for the entire system: primary and secondary. Thus, typically, there is only one fulltime curriculum officer in Mathematics to serve the 583 public institutions identified at paragraph 10 above."

**Mr. President:** Senator, I am just reminding you that you have three more minutes.

**Sen. Prof. Ramchand:** Thank you.

Mr. President, I feel that there is a terrible situation as far as the administration of education is concerned. This situation has arisen because of the failure to appoint committees of management, and throwing the burden of running schools on supervisors and curriculum officers, who simply come out to the schools—well I mean if one is travelling by plane one would be able to cover 20 schools in a month. But if one has 20 schools on one's plate, I just do not see how one can do the work. It is uncoordinated, it is cursory. They seldom have a grasp of what is going on in those schools and what I am suggesting, Mr. President, is that the present legislation does not really do anything different from what the Education

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Act has been requiring. What we need to do is to look again at the Education Act and see whether we can devise a kind of school board to run the government schools that would be similar to the school boards that run the denominational schools. Of course, that would mean a great deal of devolution and the granting of financial powers.

Mr. President, I believe that devolution and a realistic establishment of truly local school boards could lead to a revolution; not only in the delivery of education, but in the quality of education.

Thank you. [*Desk thumping*]

**Sen. Mahadeo Jagmohan:** Mr. President, I thank you very much for the recognition to make a short contribution on the matter before this Senate. I am worried. For the past year I am bothered how the Government Benches get so depleted at certain times of proceedings. I am sympathetic with the difficulties of the Government in respect of their full participation in debates and business of the Government in this Parliament. However, Sir, having said that—

Mr. President, there could be several aspects of discussions on this Bill before the Senate, but as you know I have a lot of regard for parliamentary time and I will be brief, Sir.

I wish to say at the outset that we are not totally against the principle of school boards for Government schools but we are saying that the time is not appropriate or the Ministry of Education, in our opinion, is not ready to institute school boards at this time. Why do I say so? I say so against the background that—it was alluded to by previous speakers—there are a number of vacancies in the Ministry of Education, and the more critical ones are in schools. Perhaps, the Minister is aware that there is a certain school in County St. George that has no principal and vice principal for about a year now. The Minister has mentioned a few times that that is the jurisdiction of the Teaching Service Commission. The Minister might be surprised to hear me say that a very important large school board visited the Teaching Service Commission two weeks ago, and the Teaching Service Commission told them that the ministry is tardy or ineffective in processing the recommendations for the school boards and having them channelled to the Teaching Service Commission. I will not belabour that point.

Mr. President, I wish to state at this time, Sir, maybe years gone by, the visit of school supervisors in schools—when they were called inspectors before they called them supervisors—were important events. It does not seem as though those visits are important events anymore. I cannot say what is responsible for this but we need to take a good look at this whole question.

Mr. President, a great deal was said by my colleague, the distinguished Sen. Yuille-Williams, with regard to the *modus operandi* of the Ministry of Education and the running of schools and so forth. That means that I will not go over those questions. Take these regulations: the lack of which caused a big furore in this Parliament from which I was fortunately absent for a few hours. I wish to state—I did not say that before—that I am glad that these regulations were circulated some time now, so no additional strain could be brought on the Minister for late submission, which could have meant unnecessary stress for her.

**Mrs. Persad-Bissessar:** You are very kind, thank you.

**Sen. M. Jagmohan:** Mr. President, my colleague mentioned that there are eight educational districts in Trinidad at the moment. Some contemplation is there for reducing the districts. I wish to pose, through you, Mr. President, this question, to the hon. Minister of Education—*[Interruption]*

*[Power failure]*

**Mr. President:** I think we would require the notes to be taken in shorthand. Can we continue? I think the Senator speaks sufficiently loudly.

**3.35 p.m.**

**Sen. M. Jagmohan:** Mr. President, thank you for supporting the fact that I have a well-nurtured voice. I was saying even if there were to be school boards, I wonder if the Minister would not consider one school board for every district. That would be easier to manipulate because the large denominations have one school board for each district. It is a point to ponder over.

I wish to say that the information has come out that the ministry does not have a CEO at the moment, therefore, vacancies cannot be filled or effectively processed because of that lack. Whether this is so or not, the Minister has all the machinery to do something about it. In another area, there is great fear already existing among the supervisory staff in the Ministry of Education and moreso some of them are of the impression that their rights, privileges and duties can be usurped by the school boards. Some kind of arrangement has to be made to look into this matter of the primary school. In the first instance it has to be properly staffed.

I have information at my disposal that there is a particular school in the Penal area—which falls in the constituency of Siparia—that a gentleman is acting as vice-principal for seven years and the Teaching Service Commission has not yet found time to deal with this. A very senior official on that board brought this to my attention

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I have some jurisdiction with a certain school board where the very distinguished acting principal has completed five years of acting and has now entered into his sixth year of acting. We are aware that the primary school section of the Ministry of Education did not have an Administrative Officer IV for a little over a year now, they got one, maybe a few weeks now. We are hoping that things would be speeded up because they now have an Administrative Officer II and an Administrative Officer IV in place.

Money is budgeted for spending to put the school boards in place, and we are not opposing for the sake of opposition, we are arguing sensibly that it would serve the nation's schools and the education of the children of the nation much better if 24-hour security personnel are placed at all primary schools. That cost would not be too sizeable because the Government is availing itself of the services of private security firms where I think the \$7.00 an hour is being observed. Unfortunately though.

The distinguished Sen. Prof. Ramchand said denominational boards have more staff, they have the board and the school supervisor. I am saying that government schools have more staff. In order for a denominational board to get work done be it minor maintenance or major repairs in their primary schools there is a process. It must be reported to the Ministry of Education, the ministry will send someone to look at this and after this is done, they may ask the school boards to submit estimates, then they will proceed to revise the estimates and then get approval and proceed with the work.

In government schools, if there are any problems, particularly sanitary or building problems, or supply of furniture and so forth, just like that a Government department would go into action and government schools will get what they need, whilst denominational boards will not. They will have difficulty, and yet they perform extremely well under those pressures.

With respect to the section—I am sorry the Minister of Works and Transport is not here, I would have raised a big question—the Minister alluded to the vision of the Government and I say that the People's National Movement has a bigger vision and the distinguished Leader of the People's National Movement made his revised vision known to the nation last Sunday. [*Desk thumping*]

Mr. President, a speaker before me raised the question of geographical jurisdiction of the school boards; where you live, what you do and so forth. This is a very important point: the Minister could take note and deal with it in whatever way she sees fit. Can a principal be a chairman of another board of a school where

he is not the principal in that catchment area? He may not be the principal, but perhaps he resides there and the place where he resides may have a government school. The point I am making is that teachers are very important in Trinidad and Tobago. Other people are important as well. School principals, particularly those with some years of service who have given yeoman service and can give much more if given an opportunity to do so.

Mr. President, we find it an embarrassment that a principal will be an *ex officio* member of a school board, he may attend meetings in that capacity, but would have no voting rights and he is the manager, principal, leader, everything and the school staff are under his control. Something is not right about this and it has to be looked at.

In certain areas, of course in all areas of life in Trinidad and Tobago, there are important officers residing. What if an Administrative Officer II who is in charge of the staff at the primary section resides in an area where there is a government school. Can he or she become a member of the school board? My argument is that such a person can be of tremendous help in running a school board properly, although we say now is not the time for school boards, but we have to think in this regard.

I looked at the Regulations and the Act and I did not pick up anything, but if important officers of denominational boards reside in a catchment area where there is to be a board for a government school, will the secretary or chairman of a board be considered for appointment on the boards that run government schools? This is a question about which we are thinking.

Mr. President, on page 3, clause 5(2)(a) says:

“The Minister may revoke the appointment of a member, other than the Principal, where—

- (a) he is absent without leave from the Chairman for three consecutive meetings of the Board;

This does not seem right. It seems to me that the board should be the one to deal with this situation and not the chairman. He should not be given that kind of authority. When we go a little lower down, clause 8 says:

“The Chairman shall, as soon as possible, after the start of each year of office, hold an annual general meeting to—

- (a) review the Board’s performance in the preceding year;

I have difficulty in accepting that. A time-frame should be given. The words “as soon as possible” in Trinidad for people holding public office—why can we not say: “not later than January or February of each year.” If you do not want to use the words “each year” use the words “calendar.” There is an interpretation that from April last year to this year is a calendar year, and there is a strong argument in the CPOs Department that a calendar year is January to December, but I am not debating that. Will the Minister give this some consideration?

On the same page, clause 9(2) says:

“A Board shall meet on fixed dates and in any event not less than once a month.”

A fixed date means there is an advanced intimation of the dates for meetings. Why can the board not call special meetings or emergency meetings? This means they can only call meetings on fixed dates. This is how I understand it, except it is explained to me otherwise.

Clause 10(2) says:

“A request for an extraordinary meeting shall include sufficient indication of the purpose of the meeting.”

I am saying that the word “sufficient” might not suffice. The word “specific” is the more appropriate word, that is, it is mandatory on the chairman or secretary of the board to say for what reason they are calling an extraordinary meeting and at that meeting they should only discuss the specific matter for which the meeting is called. If they do not do this, members of the board will not be prepared and would have difficulty in participating and arriving at decisions.

**3.50 p.m.**

Mr. President, I see a very vexed question coming out of clause 13(1). I will read, Sir, with your permission:

“The decision of the Board is by majority of votes of the members present and voting by a show of hands.”

I have difficulty accepting that. There might be certain sensitive issues, delicate matters and there are persons who would like to vote in a particular way but then they would be mindful of the other persons having knowledge of how they are voting. I am wondering whether the Minister cannot consider her own amendment that “voting shall be by secret ballot” in such situations.

On page 6, under Part III of 19(1), I am interested in the Minister considering amending this subsection. It says here:

- (f) by requesting the assistance of local government bodies and other agencies...”

Perhaps we should include in this other departments and agencies. There is a difference between an agency and a department, and the Ministry of Education could request service from all government departments. Some consideration should be given there.

Just after (f) on the same page, they are talking about water and electricity. It says:

- (g) “by liaising with all relevant agencies in order to ensure that the school is adequately served with water and electricity;”

What about other services? What about garbage collection? That is one. What about library services; that does not fall under the Ministry of Education? What about other services that the Ministry of Local Government can offer?

I have gone through a few points and I am hoping, Sir, that if this amendment is passed and becomes law, the Minister of Education should take genuine steps in an unbiased and unprejudiced manner, to have the staff of every primary school: either the schools visited or the staff brought together in regions or educational districts, and a thorough explanation be given to them because there is great fear right now in the minds of teachers as to what this means. Does it mean that when there are members of a community on the school board, they would be looked at very closely to the extent that if they are late by five minutes one day it could be reported elsewhere that they were late by one hour? They are worried about areas like that. Well, my reaction in the first instance was, do your duty and have no fear.

In this regard, we are saying—the time is not really right for this Act to be implemented. I wish to draw to the Minister’s attention—look at the length of time denominational boards are running schools in Trinidad and Tobago, and how very well they have done. Would any consideration be given to provide clerical staff for denominational schools? The argument could be raised that one unit of clerical staff for each denominational school might be too much. By one unit I mean one person. It could be a general clerk/clerk typist or whatever it is. I simply wish to state, in this regard that the denominational schools have done so well in this country. The Minister is aware and the former Parliamentary Secretary in the Ministry of Education is also aware, that a single denominational school in

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County Caroni got seven passes in the first 50 of the 25,000 children who passed the Common Entrance Examination. A school in the Minister's constituency got three in the first hundred this last time.

My argument is—denominational schools and the government schools are doing extremely well—in this regard, that consideration be given for clerical staff; not only clerical staff, but other facilities such as typing, computer and, perhaps, fax as well.

Mr. President, having said these things it is my hope that the Minister will look at these suggestions broadly, and take steps to make amendments or initiate measures to help denominational schools, as well as government schools.

I thank you, Mr. President.

**Mr. President:** Any further contributions?

**Sen. Dr. Eric St. Cyr:** Thank you very much, Mr. President. I think the basic idea behind this amendment and the school board is good, in that it aims to involve some community support and some advice to the principal in the operation of what I understand to be government primary schools.

I have a few difficulties with the proposal as it stands. The first difficulty I have is, I can foresee the encroachment of the proposed school board on the professional dimension of the school, which is in the hands of the principal and the teachers. I could easily see the board, which is not a professional—it is a lay body so far as the school goes—getting into matters in the school which are properly professional. I think that is a likely difficulty, and I wonder whether we have thought through that matter.

**4.00 p.m.**

The second difficulty I have is that I could foresee some confusion arising from the proposal as it stands. I could take a very simple one, clause 5.3, which states:

“The Minister on the advice of a majority of the members of the Board may revoke the appointment of a member.”

I could see that we could set up the members of the boards there to be in conflict with each other and moreso where small stipends are attached to membership and so on. So, I have that as a difficulty. But I believe that my main concern is with the relationship between the boards' functions and the functions of the principal and the teachers in discharging the educational function.

If I look at Part III, “Duties and Powers of the Board”, the board has the responsibility here to manage the school, and I would have thought that the principal should do that with the assistance of the board. In other words, if the proposal was to put into the hands of the principal a small team that will work with the principal to advise, support and assist in community relations, et cetera, and, as suggested by one of the earlier speakers, the additional resource of the secretary and the equipment be put in the principal’s office to reinforce and make the principal’s functions more effective, then I would be much happier.

So, let me take one other of the functions, (p), which states:

“by making recommendations for the better performance of the school...”

Now, I would take it that the performance of the school we would measure in terms of the quality of the children in the school measured by their discipline, their behaviour, their academic attainment and all-round ability. But then, that, to me, is clearly the role of the principal and the teachers.

So, in summary, Mr. President, while I am in general sympathy with the proposal to involve, by way of a board, an advisory committee or the bringing in of a number of lay persons, that is, not teachers, some community persons, to work along with the principal, the proposal here I think is likely to cause confusion. With those remarks, I trust that we could make some amendments that would be more appropriate. I thank you, Sir. [*Desk thumping*]

**Sen. Prof. John Spence:** Mr. President, I think I agree with Sen. Prof. Ramchand that, really, if one is to address this question comprehensively one would need to look at the whole system of education, but certainly that is not what I intend to do because my comments would not be comprehensive but would be brief and address certain particular points in the Bill and in the regulations. It seems to me that the major change from the management committees that were envisaged in the original Act is that, instead of public servants there would be certain persons largely drawn from the community in which the school sits.

Now, the first point that I would make about this is that there are some government schools which cannot really be referred to as serving a particular community. Indeed, when one considers that there is no zoning of schools, one might indeed ask the question whether any schools, any government schools, can be properly identified as serving the community. I suppose that in many rural areas the majority of pupils in a particular school would come from the adjacent geographic region. I refer especially to Queen’s Royal College. I think it is certainly clear that in that school the catchment area, so to speak, is not the

environs of Port of Spain; the catchment area is, in fact, country wide and one wonders whether a system that is designed especially for community participation of persons drawn from the immediate community is appropriate for a school such as QRC.

Now, I notice that the amendment to the Act retains the original wording in that, “The Minister may, wherever he considers it expedient, constitute”. In the original Act it says, “committees of management”, whereas in this one it would say—*[Interruption]* Yes, I think I am wrong there. I do not think that it does give him any discretion because 23 is deleted completely and replaced by a new 23. So I would put my point differently. I would say that it is a pity that in the amendment the original wording was not retained in the sense that the Minister would have discretion as to whether a school board would be appointed or not. It seems to me that in the amendment it is now mandatory that a school board be appointed.

As I said, I do not think it is appropriate for some schools—I refer especially to Queen’s Royal College—to have a community-based board of management as this amendment envisages. So it would have been better if the Minister had the discretion to appoint or not to appoint. Just to expand a bit on the situation at Queen’s Royal College, as with many denominational schools, there is a strong past pupils’ association and this association has been doing many of the things that I would assume a school board, under the new arrangements, would do. Indeed, there is at Queen’s Royal College a committee, which is called the School Planning and Management Team, which does a number of things which these new school boards would do.

So what does one do in that sort of circumstance? Does one throw out the existing arrangements which seem to be working very well? Because one has a group of committed past pupils, committed to the future of the school and committed to the maintenance of the school. Indeed, what is rather depressing is that one would expect that a group of persons like that would be collecting funds, for example, for additional things for the school. In fact, a large proportion of the funds collected by the old boys’ association goes towards routine maintenance of the school because the school is underfunded in its routine maintenance grant from the Government of Trinidad and Tobago. So if one really wants to help the schools I think perhaps one should look at the maintenance in general rather than adding on this hierarchy. So I have a difficulty with the concept, if it is being applied to all government schools, because I do not think it is appropriate in some instances.

Now, the point has been made that the denominational schools on the whole perform better than government schools and, therefore, one possibility in explaining this difference may be the presence of school boards in the denominational schools. To my mind there are so many other differences between the two systems that I do not think that the difference can be attributed, if there is a difference—which means that the denominational schools perform better—and I am not convinced that this is the case in many instances. It may be in some but I am not convinced that this is the case and certainly nor am I convinced that the presence of school boards is what makes this difference.

However, I would address the Bill and the regulations and make some particular points, apart from my general view that I think there should be more flexibility in the appointment of the boards. If there is not going to be that flexibility then I think one has to take a serious look at the composition of the boards, which may be appropriate in some circumstances but not in others, or alter the composition in such a way as to give the flexibility for them to be appropriate in more than one government school circumstance.

With respect to the Bill itself, as I said I would have liked to have seen clause 23 giving the Minister power to appoint or not appoint in his or her discretion. With respect to clause 7, which addresses section 26 of the original Act, I cannot see the reason for the deletion of paragraph (j), in the original Act, which reads, with respect to school supervisors:

“dealing with all other matters of organisation, management and administration as may be referred to him by the Minister;”

Incidentally I might also ask the question, if the original Act says that school supervisors are appointed where there are no committees or, now, school boards, why have we left in anything about school supervisors at all? I wonder if the Minister—if I could attract her attention? *[Laughter]* I wonder if the Minister, if I could attract her attention—*[Interruption]*

**Mr. President:** Minister of Education, I think the Senator wants to attract your attention.

**Mrs. Persad-Bissessar:** My apologies.

**Sen. Prof. J. Spence:** I just hope that in your winding up you would give some explanation—or, if you would like to give it now I would be prepared to give way—as to, if the creation of school boards applies to all government schools and the original Act suggested that supervisors would be appointed if

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there were no management committees appointed, does that mean that there will be no school supervisors in future? If so, why have we still got supervisors in the Act? Why did we not amend the Act to remove the school supervisors?

**Mrs. Persad-Bissessar:** They have other functions.

**Sen. Prof. J. Spence:** But in the original Act it says that the school supervisors will be appointed where there are no committees or, in the new thing, where there are no boards.

**Mrs. Persad-Bissessar:** [*Inaudible*] But I will answer it in my winding up.

**Sen. Prof. J. Spence:** Okay, thank you very much. The other point I was making is, why delete (j) from section 26? I am afraid we are going to waste a great deal of time, Mr. President, because it means that I am going to be jumping up during the Minister's winding up to try to get the points that I am trying to make answered.

**Mrs. Persad-Bissessar:** [*Inaudible*]

**Sen. Prof. J. Spence:** I thought we were finishing this afternoon. We are not going to finish this afternoon, then?

**4.15 p.m.**

Mr. Speaker, with respect to the regulations, I agree with Sen. Dr. St. Cyr in section 5(3) that it is inappropriate to suggest that if a majority of the members of the board want another member revoked that the Minister should take that directive. I mean, I think that is really setting up for bad relations between board members and within a community, if a member of the small community is being kicked out in that way by other members of the board. So, I certainly would move for that subclause to be deleted.

In section 13(1) it says—and I agree with Sen. Jagmohan in this regard. I cannot see why one should put in the regulations that the voting must be “by a show of hands.” It may be appropriate to have a show of hands; in other instances it may be appropriate to have a vote. So, I think, it is inappropriate for the regulations to dictate how the vote should be taken in the board.

Certainly, I agree, I think it was Sen. Prof. Ramchand or Sen. Yuille-Williams who made the point that the Permanent Secretary will be inundated with all of these Minutes and reports and so on. The Minutes are to be kept in the Principal's offices. If the Permanent Secretary wants to have the Minutes he can call for them

and, thirdly, an annual report which seems to be the appropriate way of informing the Permanent Secretary and that is if a particular issue arises in which he has to get details of the Minutes.

In clause 19(1)(g), I agree, I think it was Sen. Jagmohan who suggested that other services should be added. I do not know why “water and electricity” is singled out and not other services like garbage collection, security and so on. I would like to see added onto this list another requirement. I think that where one has strong past pupils’ associations that have served many schools very well, that due recognition should be given to the presence of these associations. So, I would like to suggest that there be a subclause “(r)” which says, “by liaising with any past pupils’ association.” I think a bit of attention should be called to them by the regulations.

Mr. Speaker, with respect to membership which is clause 3(1)(b), first of all, I note that the number can be less than nine plus the Principal—if I am reading that clause correctly—in which case, with respect to the quorum, I would suggest that should be altered to read: “fifty per cent” or “fifty per cent plus one of the number”. Again, this list of members does two things because they are itemized separately. It thus pins the Minister down and reduces the flexibility of the persons that might be appointed, except for clause 19(1)(b)(v) in which four persons can be taken in the Minister’s discretion.

I suppose it is important to have these other persons designated. I would like to see the past pupils’ association have more than one representative even if it means increasing the total number on the board. So I would certainly say there “at least two.”

Mr. Speaker, as I say, the problem with the way that it is worded puts the emphasis on a community organization and this is not appropriate for schools that tend to have the whole country as their catchment area. The only way around, I can see, this one is the fact that clause 3(1)(b) says, “drawn from”. So that means the Minister does not need to in fact appoint people from each of these categories. It might be appropriate in that case to increase the number under clause 3(1)(b)(v) which gives the Minister some discretion. It does not mean that all have to be appointed. So even if one increases—as I am suggesting—the number under 3(1)(b)(v) and the number under clause 3(1)(b)(iv) because of the way it is worded, the Minister does not have to appoint all of those persons, so the numbers

could still be kept down but different persons would be appointed by that device. So I would certainly make those suggestions when we come to the Committee Stage.

Mr. President, thank you. [*Desk thumping*]

**Sen. Rev. Daniel Teelucksingh:** Mr. President, just a brief comment and one or two observations. I know that so much has already been said. I just want to respond to an observation made and repeated which has to do with the success of the denominational schools. I know this has been a talking point among us for several years. I really believe that the success of the denominational schools is not so much because of superior management. That is what I think. I do believe that! I have come from one and we have high schools. This argument about superior management and using the denominational schools as the pattern, I do not think I want to be a part of that too much.

Mr. President, you see these so-called “prestige schools”—the denominational schools, when 30,000 children write the Common Entrance Examination they cream off the best. When these children at 12 years of age go to these “prestige schools” they go there as future scholarship winners and sixth-formers. They come bright! They cream off the best! When about 5000 to 8000 of them go to the denominational schools—the “prestige schools”—you look at the first 100 passing common entrance, where do you think is their first choice? Their first choice is not a junior secondary school; their first choice is not a comprehensive school—sorry.

**Sen. Kuei Tung:** I am glad that you raised that point Senator, but would you answer the question? It is obviously a chicken and egg situation. The people want to go to these schools. These schools do not ask the people to come. The people apply to go to these schools. I do not understand how the Senator can make that argument. Would you explain that for me?

**Sen. Rev. D. Teelucksingh:** I wish I knew the answer, but the answer is possibly in history and so on. It is in history! It is not in the present management because I know what is happening. Let us say we have five high schools, one board handles five high schools, meeting once in two months, hardly knowing what is happening! Do you know what is happening in our high schools? I am talking about five “prestige schools”! I believe the Catholics and Anglicans can

say the same thing. The principal and staff run these schools. They have a good principal, a staff and the material. This is what I am saying. The material is already in their class, they do know they have children for two “A” classes and so on.

Mr. President, over the years, these schools have developed their own reputation. This has very little to do with the school board management! I am discussing school board management now.

**Sen. Prof. Ramchand:** Mr. President, I wonder if the hon. Senator, given his knowledge and experience of the denominational schools, is willing to say that it is because the denominational schools are able to operate without the fetters of the ministry. So that for instance, they have taken unto themselves the function of appointing principals and vice-principals; they have invented their own structures that although they have a primary school board, a secondary school board and administrative committees for each school. They did not ask anybody’s permission to do that and it is because they have had that kind of freedom to develop a structure, that might be contributing to their success.

**4.25 p.m.**

**Sen. Rev. D. Teelucksingh:** I am glad for all of these; thank you very much, Sir. What I do know, and I can tell you this, for many years now we have discovered that our schools are just like government schools, in terms of the power of the principal. Some of them say that they are Presbyterians, but they do not go to church; they have nothing to do with the church. In this sense, Mr. President, do you know how long some of us have been saying that the churches—and I am sure the Catholics and Anglicans could say the same thing—have little control over their own schools; and this is for sure.

We have a problem here. I have my own views on that and I come back to the whole business of—let us take the teachers. The teachers in the prestige schools and the teachers who are employed in the government schools went to the same university and they have the same degrees. But it is an attitude problem too, that as long as you work for the government, you are in a government system, you are in a government office, it does not matter and you do not care. This is a problem.

There are some very bright teachers in the Junior Secondary and the Comprehensive schools; you have them with their Master’s degrees and so forth. Why are the schools not performing? I have been reading essays from children in

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those classes in the junior secondary and comprehensive schools, and you wonder if they could ever pass the Common Entrance Examination, and they are writing the 14-plus examination.

I am talking about material. These teachers are a frustrated lot in the Junior Secondary and Comprehensive schools. They have very bad material. Maybe the day is going to come, in fact, it is here when what we are looking at now is that the feeder schools to the secondary school system are the primary schools. The Government is saying that something is wrong with the primary school system, that is why there is the shake-up in the qualifying examination from primary to secondary.

What we are doing these days is looking at pre-school education. If something is happening at the secondary level, then what is happening to the feeder schools? You look at the primary schools and you realize that something is wrong; with about 20,000 students, I am just saying 10,000 for the prestige schools. What is happening to 20,000 students? Have they been probably drop-outs in the primary schools, but we have to fit them into a system, so now we are making five-year schools? What is going to happen? We are going to have the same problems.

Even if we de-shift all the schools as we will be doing in September coming, you are going to have the same problem. *[Interruption]* You are looking at your material again? You are phasing them out? All right, but something is wrong.

**Sen. Prof. Spence:** Mr. President, I just wanted to support what the hon. Senator was saying. In my first budget contribution in this Senate, I demonstrated that a prestige school—which I would not name now—is, in fact, performing very badly, because it got excellent material and could not bring all of those superior students through to get five O' levels.

**Sen. Rev. D. Teelucksingh:** It is teatime. *[Laughter]*

Mr. President, I want to support the Bill. I have studied this Bill, because I realized that it would take us another decade to find an answer to some of the problems we have. In fact, when you get into power again, you would have just started. *[Laughter]* Let us be honest. *[Interruption]* Yes, I will close in a while. I really believe—*[Interruption]*—no, I hear you saying that, I was just quoting one of you about getting into power.

I suspect that this Bill arose out of a need to deal with what I would call a “two-headed monster” that has created havoc in our schools within recent times, and that is indiscipline and vandalism. If it had not been for indiscipline in the

schools and vandalism of our schools then there might not have been the need for this glorified Parent-Teacher Association that we are going to call “local school boards”. This is a glorified PTA; that is what it is. The reason for that is the Government needs help to manage its schools, because in some of these government high schools you do not even have PTAs. So what the Government wants to do is to legitimize this instrument to make sure that you have a PTA, but you are not calling it a Parent-Teacher Association; but you will call it a local school board. That is a glorified PTA.

Mr. President, I am very worried when among the duties and powers of the board you have a clause like (e). In this glorified PTA, the local school board, one of their duties would be encouraging, promoting, sustaining and fostering mutual understanding, good fellowship, cooperation among Minister, staff, parents and pupils. You did not put in principal—well, yes, he is a member of staff. That is a very important clause there.

This is trying to tell us, Sir, that something is seriously wrong with that little complex there called the school, which is principal, vice-principal, teachers, ancillary staff and you name it. You are going to tell me that things are so bad that we need a local school board to encourage, promote, sustain and foster mutual understanding, good fellowship and cooperation among the staff? Something has gone wrong. If that is the state of the leadership, what is going to happen in form III?

Why do you need an outside force, a board, a committee, and spend—I have a document here which was distributed—\$5 million or something like that, about \$5.2 million; the document is entitled: *Proposals by the Technical Committee in its Report on Local School Boards*”. We are spending \$5 million plus to tell the members of staff how they must have good fellowship, cooperation and all this kind of thing. It is a symptom of what is happening in the schools. I feel that this is a maintenance committee; it is a school management committee that you are calling a board, because school principals, vice-principals and teachers are losing control of their classrooms and their schools. That is the problem. It is a basic and fundamental problem.

Mr. President, I just want to say something else before I close. Maybe on another occasion when we are discussing Sen. Ramchand’s Motion on education, so many of these ideas will come up again. The hon. Minister spoke about value-based education. On about three occasions in her presentation she talked about value-based education and I think that is so fundamental and basic.

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I want to congratulate the Government, first of all, on its proposal to ban the advertising of cigarettes as well as its sale to minors and the delinking of tobacco firms from sponsoring sports and cultural events.

You have to teach values, they do not come in a book. I want to congratulate the Government for doing this, because we are talking about indiscipline and so forth, in the school system. Our society is a society of double standards and that is part of the problem. School management is important, I know that.

Again, I want to congratulate the hon. Minister for the stand she took when that suggestion was made by some Israeli therapist, that condoms should be distributed to school children; safe sex should be practised and so forth to reduce HIV infection. I really want to congratulate and compliment the hon. Minister for her stance on that. We are talking about the school system, about teenaged pregnancy and so forth, it is a serious problem in the high schools, and this Israeli therapist comes here to say that we are to encourage our teenagers—and I am talking about high school children. We have definitely got to take a stance. So I see values-based education as being extremely important.

I really want to compliment the hon. Minister too for insisting that although we have a security problem in schools and a discipline problem at our high schools and so forth, that security personnel should not be carrying guns. I like that; I think that we have to maintain that for now. We cannot have the school being a war zone. So values-based education—we are going to continue this debate another time, I know. I want to thank you for the few minutes I have had.

Thank you.

**Mr. President:** I am given to understand that there is only one other person to make a contribution, but it does not appear so from the hands that I see waving, because I was going to suggest that we continue and complete the Bill, then go for tea and we would be finished for the day. If it is agreeable, we would continue and then go for tea.

**Sen. Laila Valere:** Mr. President, this is my maiden speech in Parliament. First of all, I wanted to just thank the Minister, a friend of mine, for proposing the local school boards, because I do support it. But for it to be successful I have to support some of the contributions from some of the other Senators. It is a wonderful idea, bringing back the community, linking up the school with the community, and I think that is the way we need to go. The important thing here is

the composition of the boards. If we are really going to link up with the community, the composition of the boards must reflect the interest within the community and the people within the community.

That must also be linked up with the powers and what the boards are required to do. For instance, I looked just briefly at what the powers of the boards are and I was wondering if in the composition of the boards something could be said to ensure that the members have the skills, values and the wherewithal to be able to carry out their duties in an effective manner.

For instance, one of the things I see is that we need to have educators from the community. I am thinking that there may be many retired educators in the community. I do not know if something could be said in the composition that retirees from the community, people who have retired but have a big contribution to make and who may have the time to put into their community—because their remuneration is not a very big one—people who are committed to the community, should be on these boards. So, perhaps, we should have educators on the boards, psychologists and counsellors on the boards and people with skills that they can carry out what the boards require them to do effectively.

When we talk about these people, I know they may not go to church regularly, but they are committed to their religion and their spirituality in some way. They bring with them some values that will keep them committed to the boards, so we have to have people from the community and the choice of these people will be very important. Firstly, as Sen. Prof. Ramchand said, they must reside in the community. They must be people who have already served their community; they must be educators and be skilled in looking at plans and whatever. They must have relationships with the other people in the community.

So I do not know how these boards are going to be chosen, but I think something should be put in place to link up, to ensure that the composition of the boards is what we really need, because that is going to determine the success of these local boards.

That is all I wanted to say and I hope it is successful and that whatever we can do, we will do.

**Sen. Dr. Eastlyn Mc Kenzie:** Mr. President, I really did not intend to contribute to the Bill, but I want to make a few points.

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Let me congratulate Sen. Valere on her maiden speech. [*Desk thumping*] It is sad that I have to start by disagreeing with her, in saying that I do not agree that all the time we could take professional people in the discipline, to put them on the boards. It is like taking a lawyer, Senior Counsel to be a juror. Sometimes they tend to overtake the management of the school, because of their superior experience and knowledge, so we have to know how to mix it. There is no hard and fast rule when it comes to that.

I am a bit skeptical about us trying to set up school boards for every government primary and secondary school in the country. We have 13 government primary schools in Tobago—I sat here and listed them from memory—and three secondary schools.

**4.40 p.m.**

I cannot, for the life of me, see 13 primary school boards for government schools operating in Tobago. Probably we can start with the three secondary schools and use the foundation of their PTAs to see whether some of the powers that we want to give to the school boards, we could incorporate that into what the PTAs do. They do not try to take over the management of the schools. They do not try to run the schools, they assist in many of the things we are doing here, or saying what we want to do here. Probably, I think, we could do this as a pilot project and see whether we could give these PTAs some sort of recognition in the management of the physical plant, *et cetera*, of the school.

Mr. President, I could tell you that in Tobago the government schools are better than the denominational schools. This is a fact. In many instances, the teachers in the government schools are more qualified and more experienced than the teachers in the denominational schools: both primary and secondary. So they have sort of a better start in the government schools. But we have to think of some of the things we heard this afternoon.

If you take the secondary ones first, with respect to the children from the Common Entrance Examination, there is a cut-off point for the denominational schools: most of them that are the prestige schools. There is a cut-off point in the marks. One must attain a certain score before one can get into one of those denominational schools. Therefore, we have begun to cream off the children who have scored very highly there, at the very beginning. What we have after that, would be the principal having the 20 per cent, again, where those children who

would not have come within the number of places that the Government could have chosen for those schools, the principal could now go and choose the children to make up that other 20 per cent. We start off in different ways. So let us not lump everything.

The second point I want to make, Mr. President, is that I do not know what will be considered the community around any of our government secondary schools in Tobago. I do not know where we will consider the community. Will it be where the school is situated? Take Signal Hill for example, there are 10 children from Signal Hill going to Signal Hill Senior Comprehensive in a school of 1,000 children. Where is the community? The school is located in an environment from which not many children come. Scarborough Secondary School is not even in a village. There is no one living within a 100 metres or so of Scarborough Secondary School. We have to be careful as to how we phrase some of these things, because they will not apply to every situation.

I am saying let us not go too hard and fast, meticulous, particular and detailed and want to write everything, because in some instances they would be relevant and in some instances they would be totally out of order. Mr. President, those are the few points I would like to make.

As I said at the beginning: I think we will have too many boards. Let us start, probably as a pilot project and do the boards for the government secondary schools. Leave the primary schools alone for a while and see how these things work at the secondary level and we could probably expand by asking the principals if they are ready for such a board. Not to say to them: "We want to put a board to manage your school." You must be able to say: "Look we want to put a board, are you ready, how do you think this board should be made up *et cetera*?" Then you would know. Probably you may have—for example if you take these schools I listed here: Bon Accord, Black Rock, Buccoo and Montgomery, they are in the same catchment area. What do you want with four school boards? You come back: Mason Hall, Table Piece, Runnemedede and Moriah, they are in the same catchment area. Probably in some instances—the population of some of these schools is 150, 170 whatever. I do not think it is right for you just to make a hard and fast and a blanket thing. I am suggesting to you, Mr. President, that we look at it.

Mr. President, I do not know if it is because we have a new system of counting or whatever, but my regulations jump from 14 to 16. I have no 15 on mine. I am wondering whether 15 was omitted or whether 16 should be 15. I do

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not know what the problem is, whether it is a numbering problem or whether it is an omission. Could I ask the Minister? Ma'am, I was saying I have no 15 and I wonder whether it has been omitted.

**Hon. Persad-Bissessar:** I am advised that it is a typographical error. What is reading as 16 should in fact read 15. My apologies.

**Sen. Dr. E. Mc Kenzie:** Very quickly, Mr. President, I want to go to Part III of the regulations. It is clause 19(1)(a) of the regulations:

"Duties and Powers of the Board"

I looked at just about four or five of them.

"(a) in the development of a strategic plan for the school;"

Mr. President, do we know what is a strategic plan? A strategic plan for the school could incorporate all the professional work that is going on in the school. If we want to talk about a strategic plan for the plant, it is a different thing, but to talk about the development of a strategic plan for the school, we could talk about succession, all sorts of things that would include professional work and therefore, we would begin to encroach on the rights of supervisors and principals of the schools. Let us watch it.

I looked at (c):

"in the development and implementation of school improvement plans"

Recently, Mr. President, \$90,000 was given to schools for school improvement plans. Some of the matters they have listed for school improvement are professional things. They talk about curriculum and retraining of teachers, little of it is dealing with the plant. When we put:

"in the development and implementation of school improvement plans;"

we are saying the principals have these items listed for their school improvement and we are saying this board must be there in the development and implementation of the people's plan. If we have a real feisty type of board, they could push the principal aside and go ahead. We have to watch that. [*Desk thumping*]

I looked at (d):

"by receiving information, complaints and expressions of concern and hope from the public concerning the school and its members, and to make recommendations as they see fit and relay them to the competent authority;"

But look trouble! Mr. President, we have to be careful when we give this type of authority to people who are comprising a board. We have to be very careful. We will run into problems with the unions, the teachers; we will run into problems with everybody, so let us be careful.

I think Sen. Rev. Teelucksingh mentioned the problems under (e) so I would not go over them.

I looked at (p):

"by making recommendations for the better performance of the school to the Minister through the Permanent Secretary;"

Mr. President, I could tell you, 90 per cent of the recommendations for the better performance of the schools have nothing to do with the school plant, disposal of garbage, more water and more electricity or anything else; it has to do with curriculum, teacher commitment, dedication: all that type of thing. [*Desk thumping*] Professional work for the implementation of the school has absolutely nothing to do with that. If you say this, the denominational schools could close down, because the government schools are far superior in their plant than these schools and they are trying to do it. I think that we have to be very careful about the recommendations for the better performance of the school. When it comes to the physical plant, we could talk about the board, but when it comes to the professional side of the operation of the school, that should be the principal, the teachers and their school supervisors.

#### **4.50 p.m**

Finally, (q) which says:

"in taking such other action which may redound to the benefit of the school."

Mr. President, for the life of me, I do not know what that means. Can you imagine that? I would not like to know that we give that authority in such a broad blanket way to some people who could be very irrational. Some people with no discretion, especially if they do not like the principal of the school, they would create confusion. We know what the Minister means, but once it is written, there are people who will take it literally and this is what we should try to avoid. I know that the intention is good.

There are boards in the denominational schools. I have sat on boards, even private boards like our school for the handicapped, and as soon as they made us an assisted school under the education division they cut the telephone lines for the

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first time; no light bill was paid for the first time. All kinds of confusion arose as soon as we had to be put under the Government. For the first time in the 20-odd years of the operation of our school that happened. So sometimes the answer is not there and I am saying that you do not have to have a board for every school. You can have a secondary school board if you want, a primary school board, or a board for every cluster of schools. That will make them cooperate, share, and use their resources, and lend to each other and so forth.

I would recommend that the Minister look at this and probably get some sort of discussion with people who actually operate boards and let us tailor it down a little more, or in her implementation, roster it. Do the secondary schools or something, but I think if we try to operate this as it is, especially where you see some people—I hope this was not published. I see things like money, member and board and travelling, because these people operate on a voluntary basis. Do not put that you know, because if this Bill is passed, everybody would ask for their board. You should have put the word “confidential” so that nobody could have seen this. I am just being a little humorous.

Mr. President, I think that we should delay a little on some of the things that we have. Put it on a phased basis, probably start with our secondary schools, give our Parent-Teacher Association (PTA) a little more teeth, and probably give it little finance so that it could implement some of the things we want the boards to do and things like that.

Then look at the part which says four persons nominated by the Minister as he deems necessary after consultation with the relative interest groups and stakeholders within the community. Look at this community matter well because many of our schools do not have any community. They are just in a nice spot conducive to education.

**The Minister of Education (Hon. Kamla Persad-Bissessar):** Mr. President, I join with other Members in congratulating the hon. Sen. Valere on her maiden contribution in the Senate, and I thank Members for their expressions of concern and their kindness with respect to not giving me any more stress. That is very kind of them, and I thank them for that. I thank all Members for contributions they have made, the suggestions, comments and certainly I will be looking at those.

Many of the comments have been with respect to the Regulations and we have made an amendment in the House to the Bill that is before you which is to say that the Regulations be subject to negative resolutions of Parliament and, therefore, it means that whatever Regulations we may bring, would be subject to

the vetting of all Members of this Chamber. Therefore, questions dealing with the composition of the board, powers and duties of the board, all those matters that are contained within the proposed Regulations at the moment, would come back to you and, therefore, you would have a second bite, as it were, of what is happening and be able to influence what will happen with respect to the Regulations.

I will certainly take the comments and suggestions that have been made with respect to those Regulations on board and I give the assurance to Sen. Dr. Mc Kenzie that it is in fact, our intention to deal with the secondary schools first. That is my intention. However, the suggestion that we have clusters of boards was something that was considered and there were difficulties with that, because if we were using a cluster of schools and having one board, we would immediately be excluding the principal of that school, or any specific school. So if we took five schools, we would exclude a principal or four principals; we would exclude the student representative on that particular board for the cluster of schools. Whereas, if we had separate boards, we could pick up a principal for each school, a student representative, past pupil association and the others who are fixed in terms of what we are suggesting.

**Sen. Rev. Teelucksingh:** Mr. President, there are cases where there are two government schools separated by a chain link fence, that is what we are talking about. That can be a cluster. There is one in Chaguanas, where a chain link fence separates two high schools and that is what we would mean by cluster.

**Hon. K. Persad-Bissessar:** There is a student population in that school, again you have a principal in this school and a principal in that school, a PTA in this school, a PTA in that school, you have a teacher body TTUTA in this school and in that school, so we gave it consideration and we will give it further consideration. I am saying it will come back to you, but the point is that some persons are going to be left out and the question is whether if leaving that person out would serve the benefit of the specific school as opposed to the benefit of a cluster of schools, and whether if we have a board specifically for school (a) and one for school (b), (c) and (d) with persons drawn from the school itself as well as those from the community, whether we would not have given a greater management team than what is proposed from a cluster. Certainly it is something we can look at again.

**Sen. Shabazz:** Must the board be made up of nine persons only, why can the number not be increased?

**Sen. Prof. Ramchand:** Mr. Chairman, I wonder if the Minister would consider the notion of cluster, but in relation to districts. So if there were seven or eight districts you would have a primary school board and a secondary school

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board for that district which would be the macro boards, but then we could take a leaf out of the books of the denominations and set up—whether we call them administrative committees or not—committees relating to each school where the principals, students and so forth operate. So you have the primary school board responsible for all the primary schools in that region or district, and the secondary for all, and then the separate boards—

**Hon. K. Persad-Bissessar:** Hon. Senator, I am very surprised—and I mean no disrespect to you—that, having listened to your contribution about centralization and decentralization, that your recommendation would be for one primary school board in a district. I listened—even though I may appear not to have listened—carefully and I understood you to be telling us that the ministry is talking about decentralization, but what we are doing is in fact centralizing. And here you are suggesting otherwise.

Take an education district for example, we have eight in our Republic, and have one board for each district. I beg to differ. The policy has always been, in our respectful view, to have the community involved in each school. We looked at the issue of clusters and I do not think we should go back to having one primary board for a district, I beg to differ with that. I really do not think we want to: that is centralizing and with the greatest respect it is inconsistent with your contribution.

**Sen. Prof. Ramchand:** It is not really.

**Mr. President:** Let us not get involved in further discussion.

**Sen. Prof. Ramchand:** I just want to clarify something.

**Mr. President:** If you want to clarify something, ask, but do not go making a second or third contribution.

**Sen. Prof. Ramchand:** Thank you, Mr. President. It is a clarification that when I said a primary school board within the district, it was one that overlooked the real committees that were dealing with the schools. You say there is a Presbyterian Board, but in fact, what operates are these administrative committees dealing with these schools? That is the clarification, so I do not think it is inconsistent.

**Hon. K. Persad-Bissessar:** I would not go further because I would say, I would have listened to Sen. Rev. Teelucksingh telling me that those are not working properly anyhow. That is what he also said. If I heard him correctly, those are also not working in the best interest.

I go back to the policy that the stakeholders in the community must be involved. Who are the stakeholders? They are the teachers in a specific school and the principal there. So they are on a board. Secondly, the student association of that school, not of a cluster of schools, but that particular school. So when that student representative sits on the school board, he is representing that school committee—not the one next door, or the one down the road, or the one across the chain link fence, but this school. My concern is my school. If I am a parent representative of the PTA, what is my concern? This school, my child, my school. That is the policy behind the local school board so that the major stakeholders are represented on the board. That was the policy.

You mentioned what was happening in other countries with other school boards and it goes even further. I said it before when I was piloting the Bill. In Jamaica, for example, the local school board hires and fires teachers. It goes much further than what we have done here. We are going this step and I am saying maybe there is more we need to do, maybe there is some we need to pull back. We will look at some of the suggestions, but I think the policy is still, in my respectful view, to have the key stakeholders.

I like Sen. Dr. Mc Kenzie's point. We cannot entrench within the provision of this legislation, in a very rigid manner, who is to sit on the board in terms of competence. Because it would vary again from school to school, community to community and district to district, and similarly, the numbers will vary. If it is a small primary school, then you go at smaller numbers. If you are looking at 1,000 children in a secondary school, we go to the larger numbers, a maximum of 10. It has to be flexible.

Mr. President, there are many concerns being raised and we will look at them. I have spoken with the Leader of Government Business and we will return on another occasion to answer those specific queries, but I say that this is not the beginning and the end. I tried very carefully when I was piloting the Bill to make that point. This is not a panacea for all the problems in the education system, and the problems are numerous. You know them, you have said them, and we all know them. This is one thrust and one limb, there are several other limbs on which this Government is going forward and we can talk about those.

Sen. Yuille-Williams mentioned about doing things piecemeal and not being holistic. If you wish, I can give you a very holistic—and I will tell you about it—approach we are taking.

**5.05 p.m.**

The hon. Senator and Sen. Williams talked about the corruption in the Common Entrance. That is why we abolished the Common Entrance this year. That is why we did it. The corruption you spoke of. This is the last year that examination would be there, and we are moving towards this Universal Secondary Education. That is the point. It is the Universal Secondary Education. The examination is there because we do not have enough school places. The placement is there because we do not have enough school places for every child in the secondary system. Those are the things that we are looking to. So there are many others things.

**Sen. Prof. Spence:** Mr. President, may I ask the hon. Minister whether she is going to zone? Because even though you may or may not have people going to school you are going to use that examination—which is still an examination—to place them in different schools. The Common Entrance Examination has not been abolished. It has been changed in effect.

**Mr. President:** I think we are going off into a new debate there.

**Hon. K. Persad-Bissessar:** I am sorry. Hon. Senator, I beg to differ with you but we would not go further with that. I am saying this is one limb, there are several others; there may be points of differences in terms of what the composition is, the powers and duties. We are prepared to look at those again. I have not completed my contribution. Minister Mark would like to speak.

**Mr. President:** Hon. Senators, is it in order for further consideration to be deferred for another sitting of the Senate?

*Assent indicated.*

#### ADJOURNMENT

**The Minister of Public Administration (Sen. The Hon. Wade Mark):** Mr. President, before moving to adjourn this honourable Senate, may I take this opportunity to inform fellow Senators of the order that we shall be taking at the next sitting of the Senate.

We are going to conclude the Education (Amdt.) (No. 2) Bill that is now before this honourable Senate. Having completed that, we want to deal with the Motion on Community Service Regulations, 2000. That is to be moved by the Minister of Social and Community Development and Minister of Sport and Youth Affairs. Thereafter, we are going to deal with the Rent Restriction (Re-enactment and Validation) Bill, 2000, and the Anti-Personnel Mines Bill, 2000.

*Adjournment*

*Tuesday, May 02, 2000*

Mr. President, I beg to move that this Senate do now adjourn to Tuesday, May 09, 2000 at 10.30 a.m.

**Mr. President:** Before putting the Motion I, too, would also like to congratulate the new Senator on her maiden contribution, not only on my behalf, but on behalf of all Members of the Senate. [*Desk thumping*]

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 5.10 p.m.*