

*Leave of Absence**Tuesday, May 09, 2000***SENATE***Tuesday, May 09, 2000*

The Senate met at 10.30 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 granted to Sen. Carol Cuffy Dowlat for the period May 05 to 20.

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: MR. VINCENT CABRERA

WHEREAS Senator Carol Cuffy Dowlat is incapable of performing her functions as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, ARTHUR N. R. ROBINSON, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, VINCENT CABRERA, to be temporarily a member of the Senate, with effect from 09th May, 2000 and continuing during the absence from Trinidad and Tobago of the said Senator Carol Cuffy Dowlat.

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 8th day of May, 2000.”

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**CONDOLENCES
(SUNDAR POPO, PATRICK CASTAGNE, ANTHONY PROSPECT
AND SEN. VERNON GILBERT)**

Mr. President: Hon. members, we now pay tribute to four deceased persons of our national community. The first three, the late Sundar Popo, the late Anthony Prospect and the late Patrick Castagne, were all members of the fraternity of music, entertainment, arts and culture, and the fourth, the late Sen. Vernon Gilbert was a Member of this honourable Senate until recently.

I propose to pay tribute to the three first named together and, thereafter, pay tribute to the late Senator separately. I start with the late Sunilal Popo Bahora better known as Sundar Popo, who died on May 02, 2000 and was cremated on May 05, 2000. The late Sundar Popo came to prominence in 1969, when he sang the now famous "Nani and Nana", which catapulted him to national fame. He subsequently became one of the major exponents of the chutney music. He made several records, and these records were sold in various parts of the world, and his name also became quite known in the international Indian Diaspora. He won very many competitions; both locally and internationally and, for his contribution to that art-form, was recognized by the country when, in 1993, he was awarded the Humming Bird Medal. The late Sundar Popo leaves to mourn his wife Kayso, his children and many other close relatives and friends.

I pay tribute now to the late Guillermo Antonio Prospect better known as Anthony Prospect, who died on May 03, 2000 and was interred yesterday, May 08, 2000 in West Palm Beach, Florida.

The late Anthony Prospect was a former Police Superintendent of the Trinidad and Tobago Police Service and musical director of the police band. He is credited with having virtually revolutionized the police band, by fusing calypso music with military music. Those of us who had the privilege and opportunity to see him conduct the police band, can well describe his actions then as perfection personified. He was truly a great exponent of the music and a truly great conductor. He was also awarded the Medal of Merit by the Government of Trinidad and Tobago. He leaves to mourn the loss, his wife, children and grandchildren.

The third person in that category is the late Patrick Castagne who died on May 05, 2000 and will be interred tomorrow, May 10, 2000. He was best known as the composer of our National Anthem, almost 40 years ago,

but was also a very avid composer of traditional songs and calypsoes. Many of us may remember Lord Melody's mega hit, "Ice Man" of which the late Patrick Castagne was its composer. He was also the producer of many shows and, at one time produced the carnival Dimanche Gras show. He himself was very well-known and recognized in the entertainment industry. He leaves to mourn the loss, several children, grandchildren and great grandchildren, amongst other many close friends and relatives. He also was awarded the Chaconia Gold Medal during the course of his life.

Hon. Senators, I convey heartfelt sympathy and condolences to each of the families of the deceased persons and I pray that their souls may rest in eternal peace.

Appropriate letters of condolence will be forwarded to each of the families of the deceased persons. Members wishing to pay tribute may do so now.

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. President, as we ponder over recent events, we are forced to reflect on the fact that the crossing over into the new millennium seems to have ushered in the significant number of crossings into the great beyond, as we continue to celebrate the lives and times of persons who have made sterling contributions to the national community of our beloved Republic of Trinidad and Tobago.

Mr. President, over the past few months we have been united as a people in saying farewell to many sons and daughters of our soil. We would also easily recall when the nation was plunged into mourning over the passing of Lord Kitchener, Aldwyn Roberts. This event was followed in quick succession by the other icons in the various fields of endeavour, including Beryl Mc Bernie and our dear late Archbishop Anthony Pantin.

Today we pause for a moment to acknowledge the passing of four persons whose journey on the road of national service has come to an end. In this regard, Mr. President, I wish to join with you in identifying and paying recognition and, at least paying our tribute to the three pioneers and innovators and, what I call, cultural ambassadors: the late Sundar Popo, Anthony Prospect and Patrick Stanislaus Castagne.

Born in Barrackpore 58 years ago to poor parents, Sundar Popo dared to break the barriers he confronted in the area of sound and music. He developed a unique style of singing, that today can be heard whether you

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travel to Miami, London, Holland, India or even Suriname. He travelled the road less travelled, met all the challenges successfully and paved the way for those who followed his footsteps. One noted local cultural artist who had the privilege of interviewing him last year noted that, and I quote:

“Sundar Popo created a space for local Indian music by his creativity and innovation. He dared to be different and to make a difference...”

In all of this, the word that stands out is service. For this, we on this side, say thanks.

Mr. President, as we continue to celebrate the lives of those who have gone before us, we must remember the late superintendent Anthony Prospect of the Trinidad and Tobago Police Band. Who would ever forget the impact, that sunny morning in 1964, at the Queen's Park Savannah when another person who decided to challenge the tradition sent the spectators in a virtual frenzy when the Road March, “*Mama dis is Mas*”, was played by the Trinidad and Tobago Police Band, as they marched off. Some would argue that the performance of Casablanca Steel Orchestra, in 1982, at the Music Festival was his crowning achievement with the national instrument.

For those of us who were present, it is difficult to forget the standing ovation and the tears in response to Mr. Prospect's arrangement of Tchaikovsky's 1812 Overture. Transformation, innovation and change, words all applicable to his work. He dared to be different and he made a difference.

Mr. President, the challenges to the *status quo* in music and sound thereby forging new dimensions and indigenous forms relate all to the challenge of “Pat” Castagne, as he was so lovingly called.

10.45 a.m.

To describe all of Pat Castagne's achievements could possibly take up the rest of the sitting. Suffice it to say, the author of our National Anthem, Mr. Patrick Castagne, who was awarded a Chaconia Medal Gold for public service and music in 1979, etched his creativity into our national psyche. We remember him as writer, diplomat, pianist and producer, among the many roles he took on in life. He dared to be different and he made a difference.

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We remember these citizens of considerable substance whose contributions straddled our colonial and postcolonial experience. In every instance, their departure has left us diminished but inspired. We have been instructed, entertained, dazzled and, to some extent, shaped by the generous deployment of their gifts over the years.

We owe an enduring debt of gratitude for the richness, that is their legacy and part of our heritage. They shunned mediocrity but drew inspiration from the ordinary and common placed. They were all well grounded. They persevered in their vision and slowly, those around them achieved a more profound understanding, greater clarity and acceptance of their pursuits.

Our support and love go to their families, relatives, friends and loved ones. We are comforted, however, by the author Clyde Campbell who wrote many years ago:

“To live in hearts we leave behind is not to die.”

May their souls rest in peace.

Sen. Danny Montano: Mr. President, our twin-island state has suffered a deep loss within the past week. It is astonishing that, within so short a period, our small and new country could receive such a terrible wound. Mr. President, we have lost three men of art, music and culture, that really cannot be replaced. What they have brought to our society and culture was unique. It will never be duplicated in quite the same way.

They came to prominence, all three of them: Mr. Bahora as his proper name is, Mr. Castagne and Mr. Prospect, just as we were forging ourselves to be independent.

Mr. President, what they brought to our national culture has really given us the identity by which we are known worldwide. These three persons, perhaps, almost above all others, have forged for us the identity by which we are known.

I do not think that there is any single factor that tends to forge the nature of the culture of a country so much as music does. Our music in Trinidad and Tobago, coming from the bowels of the steelband and others, has given us a very unique identity and these men are very largely responsible for that.

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I know Mr. Popo's music personally, only a little, as I was for the most part, studying in North America when he came to prominence. I knew Mr. Castagne personally but only a little. I used to attend some of the sessions that his band would have with Syl Dobson, Gellineau and John "Buddy" Williams. It was a unique form of music and it was fun. More than anything else, it was fun. It was innovative.

Mr. Prospect also came to prominence when I was at school in Canada but I knew him and I was proud of him. I knew his music, because he was a man who dared to do something differently. He dared to move what was traditional into a new area.

All three men were leaders in their own right and they have led our society forward. From different parts of the society, they had a common goal and a common purpose. It is their music that tends to bind all of us together to be one culture so that we can all say that we are Trinidadians and Tobagonians. We on this side are proud of that.

In the words of the Anthem: "Every creed and race finds an equal place." These men did exactly that: they created that for us; by their music: something that we could all share in and be proud of.

It is a tragedy that time has marched on. As the Leader on the Government Bench said of our history: it seems almost as if with the turning of the new century, we are beginning to see that we indeed have a history as our leaders tend to pass. We can look behind us and say: "We had those that did their jobs well and led well, and we can be proud of them." We can look to the young leaders of the future and say: "All will be well with our tiny island state."

Mr. President, we on this side would like to express our deepest sympathies to the families of the three great musicians and we would like to pray that their souls be lifted into the hereafter.

Thank you, very much.

Sen. Prof. Spence: Mr. President, I have invited two of my colleagues to join me in paying tribute to these three musicians: Sen. Prof. Ramchand for Mr. Bahora and Sen. Prof. Kenny for Mr. Castagne.

Sen. Prof. Kenneth Ramchand: Mr. President, the late Sundar Popo was a person of Indian origin, who was not ashamed of his "Indianness". His songs, therefore, contained moving pictures, graphic phrases and

telling songs, so true to life and to the life of his changing community, that they lodged readily in the minds and came easily back to the lips of those who saw or heard him.

These elements and qualities preserved for the archives in the intuitive and unforced manner of the expressive artiste, the social experience and the cultural practices of Trinidadians of Indian origin, at a critical and somewhat painful moment in their evolution.

The local compositions that Sundar Popo began to promote in the late 1960s grew naturally out of his previous experience of singing songs from Indian movies alongside devotional songs and folk songs in Hindustani and Bhojpuri. But the world was changing and Sundar knew, he knew it in his blood.

It was in fact on a Matekooor night at a Hindu wedding: nights when older women performed graphic and spicy songs to brace the young girl or wet her appetite for what is to come. It was on such a night that Sundar Popo approached radio host Moean Mohammed with a local song called “Nani and Nana”. This was in 1969, and through this classic, Sundar Popo made Trinidadians of all ethnic origins hum Indian music and say Indian words without self-consciousness or amusement: “Nana drinking white one/Nani drinking wine.”

10.55 a.m

Local influences and Trinidadian words had been infiltrating traditional Bhojpuri and Hindustani songs since at least the beginning of the century, but the songs that Sundar Popo was involved in composing, altered the ballads in favour of Trinidadian English. He introduced more and more Trinidadian English words to ensure comprehension, singing tunes like “Caroni Girl”, “Tears in my Eyes” and Don’t Fall in Love.

“You falling from a plane girl

You falling from above

Listen to me darling and don’t fall in love.”

The words looked like Trinidad English, but they sounded like Bhojpuri and they were the vehicle with which Sundar sang the Indian blues, and introduced Indian musical tones and Indian instrumentation: dholak, dhantal, mangera, harmonium into Trinidadian music. The connection

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which artistes like Sundar Popo made with Trinidadian English and Trinidadian music increased the flow between the two cultures and opened up the possibilities of a crossover free of stereotyping and the more usual amused patronizing or denigratory references based upon ignorance and fantasy.

Sundar brought chutney into calypso and calypso into chutney. “Scorpion Sting Me” which he composed in a Guyana Hotel where cockroaches were walking over him while he was trying to sleep belongs to the tradition of delicate and witty *double entendre* coming over as a ballad about being smitten with love:

“A scorpion sting me
I feeling I go dead
Darling if you love me
Come lie down in meh bed.”

It also belongs in the humourous category.

“Every night I go to sleep
My ears begin to ring
And when I think I kiss you
Ah kissing meh bed spring.”

As the titles of some of his albums suggest, Sundar Popo was a great entertainer: “Sundar Fever”, “Hot and Sweet”, “Come dance with the champ, Sundar Popo”. This did not stop him from singing out of social conscience, and moral concern on a wide range of topics.

His Kaiso “Zamana Agaya”: “What this world is coming to with crime”, was a response to the continuing upsurge in acts of violence, drug abuse, disruption of families, and the loss of community feelings. Sundar toured the world and won many awards in singing competitions. His songs are favourites in many parts of the world including India where they exist in his own versions and in popular versions by Babla and Kamchan.

Mr. President, I want to record in *Hansard* that this popular artiste and entertainer was a gentle, sensitive and sometimes melancholic poet of our social reality. You might need a translation to tell you that “Phoulourie bina chutney kaisay bannee” means: “What will phoulourie be without

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chutney”, and you might need that translation to help you to appreciate the longing for love and the statement about man/woman relationships behind the title. But you could not miss the desolation masked by bravado in the following lines from the same song.

“I beating meh drum and I singing my song

The only thing I missing is...

And then instead of saying what he is really missing he says: “‘mi’ bottle of rum.”

“Nana chalay agay agay

Nani going behind

Nana going down de road,

Nani walking behind.”

That is how Nana and Nani begins, thus evoking a world of which the male is protective of the female in a loving relationship, but the next line juxtaposes where we are now. There are no more elders, only old people in a state of disorientation. It is not Nana going down the road with Nani walking behind, it is Nana drinking white rum, Nani drinking wine.

There follows, Mr. President, the comical picture of a drunken Nani on the crossbar of the bicycle ringing the bell and interfering with Nana’s control of the steering and causing them to end up in a canal or well, out of which Nana climbs clutching the bottle instead of Nani whom he leaves to drown.

“Nana riding bicycle,

Nani ringing bell,

Nani lock the handle

And they fall inside a well

Meh Nana so careless

He don’t care if Nani drown

He come to the bank boy and hold on to the White rum.”

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In the final stanza the poet digests the news, that is, Nani is drowned and his Nana gone to hang. He is now responsible for himself and he has to invent himself:

“When I get the message
I fall down in a drain
For I know I haven’t got no Nana and Nani again.”

Mr. President, the popular artiste and performer Sundar Popo was a Trinidadian person, a product of the meeting of peoples and cultures, and a symbol of national wholeness. He exemplified the way in which every group in Trinidad and Tobago brings something unique and energizing to the culture of our country.

Sen. Prof. Julian Kenny: Mr. President, on behalf of Members of the Independent Bench, I wish to extend condolences to the Castagne family on the loss of Patrick Castagne.

Pat Castagne was the quintessential Caribbean person. He was born in Guyana, his parents were originally Caucasian and Irish. He returned to Trinidad as a toddler, attended primary school in Port of Spain as well as St. Mary’s College. He left Trinidad and Tobago and went abroad to Canada to join the military service and served eight years in the West India Regiment rising to the rank of captain.

After the war, he came back to Trinidad and he tried many things, but again emigrated to Canada where he attempted to get into the radio business, which was one of his interests. He returned to Trinidad in the 1950s and became active at Radio Trinidad. Pat Castagne was also involved in business, in that he was a sales manager for Angostura, and in those days, sales managers did not sit in Port of Spain, but wandered all over the country and you would find him at Cedros as well as Rio Claro and such places as a sales manager for Angostura.

While he was earning a living, he was, of course, also having a family. He had six children but he was also very active in the arts, very much involved in producing cultural shows of one kind or another. Much of this was done through existing facilities, for example, the Perseverance Club and the Country Club before there was Queen’s Hall and when Queen’s Hall was built, the very first show; “The Happy Wanderer” was produced by Pat Castagne. Horace James and Arthur Bentley featured in this very first production.

Pat Castagne was known for his musical interests, but they were not limited to music, he was also very much interested in dance, in the performing arts of one kind or another, and in all the culture of Trinidad and Tobago and indeed, the Caribbean. He is known, of course, for the composition of our National Anthem and for the calypso sung by Lord Melody referred to by Sen. Mark, but we must remember that he was also a composer and an accomplished pianist and while he played for the public, he also played for himself and family and after a day's work, depending on his mood, he played the piano unlike many people who might have had other diversions. When he got home, he got to his piano and the music reflected the particular day and the mood at the end of the day, and some of this is still available on tape. I think any nation that has any portent at conserving the work of its cultural icon would normally, naturally be expected to try to acquire some of this material for our National Archives.

Mr. President, he in fact composed our National Anthem and a nation has many emblems and these things include the crest of the country which we see above, a graphic presentation. It includes a flag, some of the natural environment of a national flower, the "Double Chaconia" which I hope becomes the national flower, and the national birds and so on, but all countries have this anthem which is an expression of the ideals and hopes of the country. These are in written words and to many of us who would like to think of having done something with our lives which become immortal have not much hope of this. I am sure that any science that I would have produced in my life would have been forgotten in a few years' time when other youngsters produce better knowledge. The emblem of our National Anthem written in our language remains with us forever and Pat Castagne becomes immortal. It is not only the words quoted "where every creed and race..." *et cetera*, but Pat Castagne, the Caribbean man who went abroad, came back, went abroad again with his six children, tragically losing one of them to disease, returned to Trinidad and settled reflecting the words in the National Anthem: "This our native land, we pledge our lives to thee."

Thank you.

Sen. Prof. John Spence: Mr. President, I think if there is one thing that stands out in the persons to whom we are offering tribute, and just not simply for today, is their modesty and the importance and depths of the contribution they had made to our nation building.

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As a very young child, I went with my parents on a Sunday afternoon to listen to the Police Band. In those days it was a traditional colonial institution and this is one of the institutions which, we had the good sense I think, not to just throw out when we were becoming independent. Mr. Prospect was able to build on that foundation, expand it, and make it a national icon and treasure. He was able to demonstrate the importance of being a trained musician in the development of our steelband. His interests were very wide, and I think that we can offer full praise for the contribution that he has made, not only in developing the Police Band.

11.10 a.m.

I think when one considers that this is an institution that sometimes is criticized, there can be absolutely no doubt as to the importance of the police band or the pleasure that is given to many persons and the importance of Mr. Prospect in that development.

On behalf of my colleagues, I would like to express sympathy to his family and may he rest in peace.

Thank you.

Mr. President: Hon. Senators, the Senate now pays tribute to former Senator Vernon Gilbert, who died on May 07, 2000 and would be interred tomorrow May 10, 2000 at Rio Claro, following a church service at the La Romain Roman Catholic Church.

He was an engineer by profession and a very senior employee of Petrotrin. He was well recognized and highly respected in that industry. The late Senator was sworn in as a Senator on November 27, 1995, the same day that the majority of us here present today was sworn in. Thereafter, he was recognized as the Leader of the Opposition Bench in the Senate.

Soon thereafter, however, he became ill and was granted leave of absence stretching into several months until he eventually resigned from the Senate, effective as of May 13, 1997. Unfortunately, we did not have the pleasure of his Senatorship for a very long time, but he was able to make his mark as a Senator, and conducted himself in the highest traditions of that office and, as Leader of the Opposition Bench, he led his team with dignity.

He leaves to mourn their loss, his wife Wilma and five children and several close relatives. I offer my deepest sympathy and condolences to his bereaved family, and pray that his soul may rest in eternal peace. An appropriate letter of condolence will be forwarded to the family.

Senators wishing to pay tribute may do so now.

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. President, I would like to join you in paying tribute to one of our past colleagues, the late and former Senator Vernon Lee Gilbert who, as you have said, served on the Opposition Bench of this Senate during the period November, 1995 to May of 1997.

The late Sen. Gilbert graduated from the University of the West Indies, St. Augustine in 1971, with a Bachelor of Science Degree in Chemistry and Applied Chemistry, and served in various capacities in the oil industry: from Student Technician to Petroleum Engineer to Divisional Manager. He also served on the Boards of T&TEC, the National Gas Company and the then Trinidad and Tobago Petroleum Company, and was the Chairman of the East Regional Health Authority.

Mr. President, as you have said, whilst serving on the Opposition Bench in his capacity as Leader of Opposition Business, we had very excellent relations with Vernon, and certainly we also understood and recognized that he was going through a period which required some leave. We were a bit shocked and taken by surprise when we learnt of his passing. We, on this side, would like to extend our profound condolences to his bereaved family and we know that his contribution, whilst short in this Senate, would have left an indelible mark on the record of *Hansard*.

A great soldier. We would like to wish his family, peace and serenity in this time of grief and mourning. May his soul rest in peace.

Sen. Danny Montano: Mr. President, this for us is a particularly sad occasion when one of our strongest, most active, loyal Senators has fallen. We on this side were always very proud of former Senator Vernon Gilbert.

Senator Gilbert was born on June 12, 1943. He attended primary school in Point Fortin, and then moved to Grenada with his grandparents and attended secondary school where he did his O'Levels and A'Levels. He returned to Trinidad and was employed as a Teacher at the Rio Claro

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St. Terese Roman Catholic Primary School. He joined Texaco in the 1960s and won a scholarship to the University of the West Indies where he graduated with a degree in Chemistry.

Mr. President, as you know, Senator Gilbert was the Leader of the Opposition Bench in 1995 to 1997. While assigned temporarily in that position I can tell you he has left some very large shoes for me to fill. Senator Gilbert was always a gentleman. He was always trustworthy—true to his word; he was full of energy, wisdom and foresight; he worked very hard; he was a man of the people; he was a very active supporter of the party in the Ortoire/Mayaro constituency, and held several positions on the Executive of the party including that of the constituency Chairman. He was also a representative on the party's general council.

Mr. President, it is always a tragedy when a man of this stature and of his accomplishments passes away. He was a devoted husband and father, and we know that his family will grieve for a long time and, in fact, we all share in their loss. Senator Gilbert had given the country a sterling contribution, one of which we can all be proud. He set an example for us all, and he is a great loss to his family, of course, the party and to the country.

We, on this side, pray that his soul will be lifted.

Thank you very much.

Sen. Prof. Spence: Mr. President, on behalf of my independent colleagues, I would like to offer sympathy and condolences to the family of Mr. Gilbert. There were only two Senators in my time who have died shortly after we had known them in the Senate, and it is very sad when it gets as close to home as that.

Mr. Gilbert, after graduating from the University of the West Indies, clearly had a distinguished career in the petroleum industry where he rose to senior positions. Of course, his interest did not confine itself to strictly the petroleum industry, because it has been clear from him being in the Senate that he was interested in national development and politics. In

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addition, he served on a number of Boards: T&TEC, the National Gas Company and Palo Seco Agricultural Company. Clearly, his interests were wider than just his professional interest.

11.20 a.m.

It is very sad that he should leave a family at the early age of 57 and our sympathy goes out to his relatives. May he rest in peace. Thank you.

Mr. President: Hon. Members, as a mark of respect I ask all to stand in a minute's silence.

The Senate stood.

Mr. President. Thank you.

OATH OF ALLEGIANCE

Sen. Vincent Cabrera took and subscribed the Oath of Allegiance as required by law.

FINANCIAL (MISCELLANEOUS PROVISIONS) BILL

Bill to amend certain legislation of a fiscal nature and to provide for related matters, brought from the House of Representatives [*The Minister of Finance, Planning and Development*]; read the first time.

PRAEDIAL LARCENY PREVENTION (AMDT.) BILL

Bill to amend the Praedial Larceny Prevention Act, Chap. 10:03, brought from the House of Representatives [*The Minister of Agriculture, Land and Marine Resources*]; read the first time.

SUMMARY OFFENCES (AMDT.) BILL

Bill to amend the Summary Offences Act, Chap. 11:02, brought from the House of Representatives [*The Minister of Agriculture, Land and Marine Resources*]; read the first time.

REGIONAL HEALTH AUTHORITIES (AMDT.) (NO. 2) BILL

Bill to amend the Regional Health Authorities Act and for matters incidental thereto and connected therewith, brought from the House of Representatives [*The Minister of Health*]; read the first time.

HOMES FOR OLDER PERSONS BILL

Bill to provide for the licensing, regulation and control of homes for older persons, brought from the House of Representatives [*The Minister of Social and Community Development and Minister of Sport and Youth Affairs*]; read the first time.

Motion made, That the next stage of the following Bills; the Financial (Miscellaneous Provisions) Bill; the Praedial Larceny Prevention (Amdt.) Bill; the Summary Offences (Amdt.) Bill; the Regional Health Authorities (Amdt.) (No. 2) Bill, and the Homes for Older Persons Bill, 1999 be taken at the next sitting of the Senate. [*Sen. The Hon. W. Mark*]

Question put and agreed to.

ARRANGEMENT OF BUSINESS

The Minister of Public Administration (Sen. The Hon Wade Mark): Mr. President, we were in fact seeking leave to deal with Motions Nos. 5 and 6 on the Order Paper before proceeding to “Bills Second Reading”, but we would like to proceed with “Bills Second Reading” at this stage, and after that we will deal with Motions Nos. 5 and 6 in terms of the amendments.

Question put and agreed to.

EDUCATION (AMDT.) (NO. 2) BILL

[Third 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. Members, debate on the second reading of the following Bill which was in progress when the Senate was adjourned on Tuesday, May 2, 2000 shall be resumed: An Act to amend the Education Act, Chap. 39:01. The hon. Minister of Education had begun her reply and had spoken for 11 minutes.

The Minister of Education (Hon. Kamla Persad-Bissessar): Mr. President, there were several issues which arose on the last occasion when we were debating this particular Bill. One of those raised by several Senators had to do with the role of school supervisors and the question of

whether school supervisors, in some way, would be bypassed if this legislation were to come into effect. Sen. Yuille-Williams, I know, as well as Sen. Prof. Spence, Sen. Prof. Ramchand and several others raised the issue of the role of the school supervisor where local school boards are put into place.

Section 24 of the Education Act, which is the substantive Act that we are amending, provides that where the Minister does not constitute a committee of management in accordance with section 23, a school supervisor should bear the responsibility of patrolling and managing the school subject to the directions of the Minister. The proposed amendments contained in clauses 5, 6 and 7 of this Bill do not bypass the school supervisor. Sen. Prof. Ramchand in his contribution pointed out that no administration ever utilized the committees of management so that, for all the time that the Education Act was in force, the school supervisor had the responsibility on his or her shoulders for management of the school.

The integrity of the role of the school supervisor is maintained within the structure that we are now proposing for local school boards. The duties and powers are set out in section 26 of the substantive Act, the Education Act itself, and those powers and duties, save and except for a minor amendment in clause 7, of the supervisors remain. These are as follows, and this is section 26 of the substantive law:

“A Supervisor shall, as respects all public schools be responsible for the exercise and performance of such powers, duties and functions as are prescribed, and in particular for—

- (a) the supervision and inspection of the programme of education required by the curriculum;
- (b) ensuring that school premises, property and stock are protected against improper use;
- (c) the submission of reports on matters relating to the discipline of teachers;
- (d) the conduct and supervision of courses of induction and training for untrained teachers in service as well as courses for other teachers;
- (e) the observance of the provisions of this Act and the Regulations pertaining to the conduct of schools;

- (f) arranging for the approval of such special leave to teachers as may be granted them in accordance with the Regulations;
- (g) arranging for the approval of school holidays that may be granted in accordance with the Regulations;
- (h) considering and assessing the confidential reports of teachers;”

This is proposed to be amended in clause 7 where, in addition to the words, “considering and assessing”, we are suggesting the words, “and where appropriate prepare”, and we have preparing. Sen. Prof. Ramchand has suggested the word, “prepare” so that we would prepare these reports. We do not have a difficulty with the grammatical correction proposed by the hon. Senator.

Sen. Prof. Ramchand: Mr. President, it is not a grammatical amendment. What I am proposing is that those words, “and where appropriate prepare”, which is the amendment being proposed by Government, that this amendment not be taken at all and that we go back to the original Act which leaves the responsibility for preparing reports on teachers in the hands of principals, because I cannot think of any circumstances in which it would be appropriate for a school supervisor or, by slippage, a school board, to perform this function. It seems to me it would be properly the function of the principal to prepare confidential reports on teachers and the Government’s amendment to the Act is seeking to give that power to supervisors.

Mr. President: Senator, I think the words you referred to should be, “and where appropriate preparing”, and not “prepare”.

Sen. Prof. Ramchand: Oh yes, sorry; that is a typo in my copy. I should have said “preparing”.

Hon. K. Persad-Bissessar: We shall look at the pros and cons of that particular proposal by the hon. Senator in the committee stage. To continue with the duties and functions—[*Interruption*] I am sorry, Professor.

Sen. Prof. Spence: Mr. President, I am sorry but I still have some difficulty with which I would be grateful if the hon. Minister could help me. Clause 24, which she referred to, says, in effect, that if there is no committee, or school board now, then you appoint a school supervisor who shall be a manager of the school.

Hon. K. Persad-Bissessar: Where is that?

Sen. Prof. Spence: Section 24 in the original Act, to which you referred. It says that where you do not have a committee, you appoint a supervisor or a school board. The committee is now replaced by a school board. So in the future you should have school boards. It seems to me, therefore, that you no longer have supervisors because there would not have been any if you had had committees. So now you have school boards there are no supervisors. So it seems to me that really, if you are going to have supervisors you have to do more than just what you are doing here. You are going to have to introduce some other clause that creates the supervisors, because clause 24 means that they disappear when you appoint the school boards. I mean, that is how it seems to me from the point of view of language. I do not know about the legal aspects of it.

[*Sen. Prof. Ramchand rose*]

Mr. President: Senator, both of you cannot be on your feet at the same time.

Sen. Prof. Ramchand: Sorry, Mr. President. Mr. President, I just wanted to contribute to what Sen. Prof. Spence was saying by adding that, the implication of my own presentation about supervisors, and the presentation of several others, was that if you are constituting school boards then there will be consequent amendments made necessary in relation to the function of school supervisors.

Now, one of the burdens of my presentation was that the poor school supervisors had so much to do and they were so few in number, so with the creation of school boards an opportunity exists to streamline the proper functions of supervisors and give unto the school boards certain functions which, because of the non-implementation of the Education Act, school supervisors were obliged to take on. But if we are going to have school boards, we can now go back to the functions of school supervisors and refine and hone those down properly.

Hon. K. Persad-Bissessar: For the first query from Sen. Prof. Spence, I have my legal officers looking at that aspect—the legal officers are there. The issue you are saying is that there is no provision within the substantive law which provides for the creation of the office of supervisor, save and

except as set up for the committees of management. So perhaps the legal people from the Chief Parliamentary Counsel's office can look at that. I would be very surprised to find if that was so because then what we are doing will really be out of place. So we will check that.

11.35 a.m.

Sen. Prof. Spence: It could have been accommodated if a different amendment was made to section 24 of the original Act.

Hon. K. Persad-Bissessar: If it is not there, we would have to make such a provision. I agree with you. Sen. Prof. Ramchand, with respect to the issue of honing in and dealing with the duties and powers of the supervisor, I totally agree with you. At the moment, I think there are about 40 supervisors, again, for 600-plus schools. It is impossible for supervisors to really carry out their functions properly given the shortage of persons.

Mr. Speaker, we are looking in the ministry to take proposals to Cabinet for an increase in the number of school supervisors. What has happened in the public service—I remember when I was in the other ministry as well, we looked, for example, at the functions being carried out by the Registrar General and similarly carried out by supervisors and their functions in the public service. Despite the fact that there has been so much change and an increase in the number and volume of the work to be dealt with, for some reason additional staff was not provided for. So, I am looking at—not only for school supervisors which is very important—taking to Cabinet proposals for increasing the numbers, but also for guidance officers. As you may know, I have been lamenting the fact that there are only 20 plus guidance officers in the entire school system for 300,000 students. I mean, something has to be wrong.

Sen. Prof. Ramchand: What I am really asking is: whether the Minister is telling us then that the Government will have to come back with an amendment in which, let us say—I understand that there is a proposal or one possibility that curriculum officers could be turned into school supervisors to increase the numbers. Whatever is done, even if there is an increase in the number of supervisors, the creation of school boards will allow the duties of school supervisors to be reduced and whether the Minister then is going to come back to Parliament with an amendment about the functions of school supervisors.

Hon. K. Persad-Bissessar: Certainly, if it is that those proposals are accepted for change with respect to duties and functions, we will have to come back. What is before us today and what we are dealing with, as we all know, is the establishment of the local school boards. We are looking at the roles, powers and duties of the supervisors and, as I said, and if we have to change it through legislation, certainly, we will come back.

There are a lot of things within the substantive law, the Education Act again, that need tremendous amendment and we are looking at that as well. It will take us some time as you will appreciate, but again, there is an Education Act, passed at a certain point in time, 1966 and amended thereafter. Subsequently, the last amendment I see here was in 1979, and there may have been one or two others since 1979 to the present time, that are not reflected, this being the 1981 version of laws, but no substantial reform or revision of the Education Act. This is something I have given instructions for us to start looking at, and we will do it in full consultation with interest groups. There are a lot of provisions in the entire Education Act, which certainly need to be looked at.

Mr. Speaker, it will also affect the whole issue of the de-linking of the Teaching Service from the Public Service. As you know, we have agreed to that in principle. Cabinet has given its approval but there are a number of consequential changes, as you will well appreciate, that would have to be made in this Act and other pieces of legislation to fully implement a decision to de-link. As I am on that matter, I know teachers would be very happy to know that at the moment, wage negotiations have begun with the Chief Personnel Officer. What is very important is that unlike what had happened with the nurses in terms of job evaluation criteria the—Chief Personnel Officer has been able to sit and work out that kind of job evaluation for the teachers. So we are looking for negotiations. I am advised that this is being done with the Chief Personnel Officer. I am also advised that the Government is looking for negotiations in a different way, which would give a greater professional status to teachers. So that is one step in that de-linking process.

Mr. Speaker, I went off on a tangent because I am saying, yes, we would come back if we have to make further changes. What is envisaged clearly with the local school boards is, we are not by-passing the supervisors, and secondly we do not intend that there be any overlap. I think those were the two concerns, overlapping and by-passing. There was

also the question by Sen. Prof. Spence why the Government did not remove the system of school supervisors if it is that the school supervisors would not be there and instead there would be a local school board only. Sen. Prof. Spence, if I may, the issue you raised about “shall” and “may”—the proposal in the law is the Minister “may” and not “shall”. So it takes up your concern that it is not mandatory in clause 5 of the Bill.

Prof. Spence also raised the issue whether in some schools where the organizations were functioning properly, whether the Government may not want to leave those organizations in place, instead of tampering with them to put a local school board. He gave the example of Queen’s Royal College where the Old Boys’ Association is very active, and was suggesting that it may well be that it may function efficiently and may not require a local school board, and, therefore, suggested that for some schools it may not be necessary to mandate a local school board. The legislation has said that the Minister “may” by order and, therefore, there will be the flexibility that was suggested.

Sen. Prof. Spence: I am sorry, Madam Minister—through you Mr. President—unless you have a different version. My Bill says, “shall”. *[Interruption]* I would much rather “may” but the Bill I am looking at says “shall”.

Hon. K. Persad-Bissessar: I have the Senate Bill. This is the one I have. Anyway, at the committee stage we will look at it. So school supervisors in our respective view have a very important role to play. They exist to superintend the delivery of quality education to ensure the school infrastructure is sufficient for this purpose. Whenever school boards are appointed it is our view that they could be complementary to the role of the supervisor by relieving that supervisor of some of the duties, really in terms of provision and maintenance of the infrastructural needs. We talked about the school boards helping where there is a problem with electricity with the Trinidad and Tobago Electricity Commission and the Water and Sewerage Authority and other such matters.

Mr. Speaker, school boards naturally and logically will take direction from the expectations of the ministry for our schools and supervisors, through principals, could easily pass them on. School boards are really officially appointed and in our view they will be in a structured of well-organized human resource personnel. They can do a lot for the welfare of the schools and for the enhanced delivery of the intended curricula

objectives and, of course, the extra-curricular objectives. So the role of the school supervisor must be differentiated from the role of the school board. We are very clear on that.

The school board can use its initiative flexibly to draw upon all the resources in the community in a more acceptable and tolerable way, whereas the supervisor may not be able to do it in the same way. The school board is really, and can be a window through which the community looks at the school and through which a school looks at the community for mutual support and help. So that two-way process is there. Again, the supervisor will not have that flexibility that the local school board could have in terms of reaching out to the community and enlisting the support of the community.

On the other hand, the role of the supervisor is that of a professional and the appointment of the school board will not undermine that professional integrity of the supervisors who will be expected to continue with their duties. The purpose of this legislation then is to facilitate effective management of the schools for the benefit of the nation's children. So, I am saying, no by-passing and, certainly, a complementary role between supervisors and local school board members.

Sen. Yuille-Williams: Madam Minister, you said no by-passing and undermining. Somehow I have been looking at the regulation and what I think worried me was, it seems to me it was possible that from the school board you go directly to the Permanent Secretary to the Minister. Normally these matters would have been channelled through the supervisors who would be made aware of them. I think somewhere along there, I thought you were by-passing. Normally whatever happens, it goes through the supervisors and then through to the Permanent Secretary. Now it is going directly to the Permanent Secretary to the Minister and that is the one thing I thought about.

11.45 a.m.

Hon. K. Persad-Bissessar: Certainly. It may be something we could discuss at committee stage, but look at another scenario where your one channel of communication is through one structure. So there is no check or balance on that particular structure, whereas if one has another mechanism for reporting and bringing to the attention, then one acts as a check and

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balance on the other. If there is a system of school supervisors where everything is channelled through the supervisor, one is in what is called a “monopoly of information flow”.

At the moment, with the greatest of respect, it is not working. Everything right now is channelled through this same supervisor; 40 of them for the 500-plus schools; the 300,000-plus students; for the 30,000-plus teachers. Here we are going to have other reporting mechanisms which provide us with a second information flow. But, we can look at it, as I said, at the committee stage if you want to suggest for the regulations.

The second issue that was raised was the comparison between the denominational schools and other government schools, and the treatment of the denominational schools, as the Senator was saying, was different from the treatment of government schools.

Again, the Education Act itself differentiates between assisted schools and Government schools, as we well know. Sections 15 to 22 in the substantive law fall under the rubric “Boards of Management of Assisted Schools and Managers”. These provisions deal with the appointment of these boards and the procedures which they must follow. This distinction is not a new one. It has always been part of the law.

Government is not proposing to do one thing in the assisted and another in the government schools. Assisted schools follow a curriculum just like government schools as set by the ministry. Its teachers must conform, just like the teachers in the government schools, to appropriate regulations. There are certain differences, and these have always existed from administration to administration. The intention of this Bill is not to prejudice the assisted schools by implementing law which excludes them. There are provisions in the Act right now which set them apart and give them their own parameters. What we are trying to do is achieve a similar kind of matrix in the government schools.

There is a saying to “leave well enough alone”, and there is no question—and we have said it before—that the assisted schools, for the main part, appear to be functioning, and the performance levels in those schools, again, are worthy of mention as opposed to government schools. We must note that there are several government secondary schools which in recent years have really come forward and are doing very well. It will be

interesting to note in those schools what is influencing their increased level of performance but, generally in the government schools there is that difference.

Our view is to start with the government schools. This is where we are at with the Government schools. The view that we are treating them differently, in one sense, is true because we are saying we are not going to set up a school board as proposed in the legislation for them, but we must note that the Act already has provisions for the way they manage and govern their schools.

The assisted schools already have boards of management which are doing, in my respectful view, a very good job. They show concern. They exercise very wide discretion in representing religious organizations. They are guided by very strong moral and religious principles.

Sen. Prof. Ramchand: Mr. President, I think it is probably too late for the thing to be revised, but what we were suggesting was that there was a degree of devolution implicit in the establishment of the denominational boards, and the boards were able to manipulate money and see to buildings, which is not being given to the school boards as proposed. If we are talking about the success of the management by the denominational boards, I think we do have to point to the fact that a certain amount of devolution has taken place as one of the causes for their success.

Hon. K. Persad-Bissessar: There is the view as well that the new local school boards should not just be clones of the assisted boards. I was just asking my friend here about whether one would take a new wine and put it in old wineskins. We want to set up this new structure for the local school boards, whether we should use the same vehicle or mechanism as is used in the assisted schools.

There are many other things happening in the assisted schools apart from the school boards. So, I do not think we could just say, "Lift that structure and use it here because they are successful there". I think the Senator pointed out there were many other things happening in those assisted schools that were pointers for their success.

If I may say it, we are seeing in recent times a difficulty on the part of the assisted schools to come up with the funding. They were saying in the past that they would come up with their two-thirds funding—I think the Senator heard it recently—to do repairs and construction, but less and less

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is that happening. In a lot of cases it is happening. In many others, one will see, for example, that several of the schools which are clamouring at the moment for construction and rebuilding of the schools are, in fact, from the denominational boards. Some of the problems are not necessarily the fact that the Ministry of Education is not providing the funding. It is also a difficulty on the part of those denominational schools to raise the funding.

Whilst we accept, acknowledge and praise the work being done in the assisted schools, by the denominational boards, it is not necessarily the only way to go. That is what I am saying then. Let us not take this new idea—new in the sense that we are now putting it into place in Trinidad and Tobago—and fill it into the wineskin of the pattern set by the assisted schools. Let us go with a new structure where we are saying we will do it in this way.

Remember too, the boards for the assisted schools are drawn from mainly the same religious community as the particular denominational school. So, if it is a Presbyterian school, the members of the board will be Presbyterian, but the government schools do not reflect any one religious body so, again, we cannot use the same pattern as for the assisted schools. Let us recognize their differences, but at the same time, let us recognize that we can attempt this new structure. They will have to come into their own. It will take us some time.

This is why I am suggesting that we go bit by bit. I have said to you that my intention is to look at the secondary schools and then from there we will move on. We may well have to come back. The legislators, those who propose this, may well have to come back, according to how it works: things that we see, because nothing as you know is fixed in stone. As it works, we will come back if we need to.

The point about whether we should have a board in every government school and the suitability of candidates was another concern raised. When we look around in the community, and look around generally at the purpose and functions of schools in any society, we realize that the schools are, in fact, the creation of a particular society.

Schools are funded by the money of taxpayers to perform the specific task of nurturing and educating the nation's children. The school exists not to serve teachers, principals, or us as Members of Parliament. These schools exist to serve people of the society—the children of the people of

this country—and they come from all walks of life; from all areas of the country, whether it be urban, rural, north, south, east or west. They are the persons whom the schools are there to serve. The most important stakeholders in the education system must be the people of this country. Regardless, as I say, of geographical location, colour, class or creed, they are the major stakeholders.

The school boards, for the first time, in my respectful view, in the history of education in this country, will provide a real opportunity for the people of this country, whose children attend those schools, to have a say in what our schools are doing for their own children. So, where a single board is running a large number of schools—and it may well be that may work in some cases—if one takes one school board to manage five or six schools, one is not going to have the principal. Necessarily, one cannot, if it is five schools.

One cannot have the teachers on the board of each school because again, one will not end up with the kind of structure we have, but something really massive. If it is a past pupils association representative we want on it, there will not be that closeness and bonding as if it were a local school board for each school. With the greatest of respect, it is my view that we need to go with a specific board for a specific school.

A suggestion was made by Sen. Prof. Ramchand that, in addition to a specific school board per school, we may want to look at a sort of coordinating council per district, and it is certainly something we can look at. There are eight education districts at the moment and, perhaps in addition to each board, representatives can be drawn from each board to create a board per district. It is something worthy of consideration. I really do feel that if we want to achieve what we are speaking about, that is to say to have the stakeholders of a particular school involved in the school board, we must have a school board per school.

So, Mr. President, those were the issues which I believe had been raised on the last occasion. I want to thank hon. Senators for their contributions. A lot of it will be taken on board when we are actually dealing with the regulations. For today, as we know, it is merely the Bill which establishes

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the local school boards that will be passed in this honourable Chamber. Therefore, we will take the comments and suggestions that have been made by hon. Senators with respect to the regulations on board.

I thank you and 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.

12.00 noon

Clauses 1 to 4 ordered to stand part of the Bill.

Clause 5.

Sen. Prof. Spence: Mr. Chairman, could we read what clause 5 says because the Minister seems to have a different version of the Bill to the one I have.

Mrs. Persad-Bissessar: I have now obtained the version that you have. The version I now have has “shall”. You had talked to me about it before and I indicated that I would not be in a position to make a policy change on this matter this morning. My mandate was to go with “shall” which is in the new Bill. We may have to deal with it in another way.

Sen. Prof. Spence: I wonder if the hon. Minister could inform us how the change came from “shall”. Why are the two versions different?

Mrs. Persad-Bissessar: The first version was “may”, and after the discussions and so on, the second version came with “shall”. Through error, I had the very early draft of the Bill, but the final drafting of the Bill was “shall”, which is in fact the version that has been accepted by the House of Representatives. I do apologize.

Sen. Prof. Spence: Mr. Chairman, may I propose an amendment in clause 5 under 23(1) in the first line:

“The word “shall” be replaced by the word “may””

Sen. Yuille-Williams: If that is not done, it would go against what the Minister had just been saying. In fairness to the Minister, she had been telling us—I went along with it—that she could look at it and see when

there is a need to have a school board in a particular school. I think she needs that opportunity to put “may” there. The Minister stood and talked about Queen’s Royal College (QRC) and other areas, therefore, it means that all that she has said in her presentation does not support what she would want to do if she uses the word “shall”. It would have gone directly against what she said this morning. I understand how uncomfortable it is, but I think she saw the logic in the word “may”.

Sen. Dr. McKenzie: I just want to ask a question: if the Minister does not, who does? In other words, if the Minister only “may”, then who certainly does?

Sen. Rev. Teelucksingh: Mr. Chairman, perhaps Sen. Prof. Spence could help us. I wonder if he is thinking—coming back to your suggestion—that if there is an effective management system in QRC for example, that it is not necessary to have a board there. If that is the thinking behind it, I respect that. I believe that all government schools at this time, including QRC—if we are having a management system for government schools, then we should have it for all, if even it is well managed, for example QRC or any other for that matter. It could be Tunapuna Secondary School. In the Tunapuna Secondary School there is a very good system with a good Parent Teachers’ Association (PTA). They raise their funds and what have you, but I do not think that they should be excluded. If this is for government schools, all government schools should be treated the same way.

Sen. Prof. Ramchand: Mr. Chairman, maybe the regulations could be modified in such a way as to permit the Minister to proctor a PTA or the bulk of a PTA to become a school board, that the membership of the school board should be more flexible in the regulations to permit the Minister to do that.

Sen. Prof. Spence: This, really, was my difficulty. If the regulations are going to specify memberships of school boards in the way the draft that we were shown specifies them, then I think they are inappropriate to certain schools.

The regulations designed really are aimed at having the community, in which the school is situated and from which the bulk of pupils would be drawn, to be intimately involved with the management of the school. I have no difficulty with that concept at all. I think it is an excellent one.

Indeed, while I am speaking about it, might I suggest to the Minister that she look at the School Feeding Programme and make sure that comes under the purview of the management boards. I have always felt that should not be a centralized system, it really should be managed by the parents of the children who go to that school and receive the meals. They will also, some of them, be farmers in the area as well. That certainly needs to be decentralized as well. That is a bit off the point.

The point I am making is that there are some schools in which the catchment area is not in the community in which they are situated. This is the point I am making. There is QRC but there may be other schools of that sort. Perhaps there examine the pupils at QRC they are not drawn from St. Clair, Newtown, Woodbrook and so on but from all over the country. Therefore, to have an appropriate school board to manage that school, we should have a different composition of the school board.

If the regulations were flexible enough, as I think Sen. Rev. Teelucksingh was saying, to allow that, then that would solve the difficulty as well. But the draft regulations as shown to us—I realize that they are not before us—do not accommodate this. In order to achieve that I am trying to suggest—because I only have the legislation before me—that the Minister has the discretion that in some cases, she could only appoint school boards according to those regulations. But she could appoint school boards by making a new set of regulations. At the moment she is mandated to fit all these schools, whether they fit or not, into the regulations that she has.

Sen. Rev. Teelucksingh: I respect the concern and I know it is a very important point raised by Sen. Prof. Spence about representation of certain groups that have been active in many of the schools. You talk about the Old Boys Association. You will have an Old Boys Association or—in the case of the girl schools, I think it is called an Alumni. These are very powerful organizations, sometimes they contribute to the schools more than the PTA, as in the case of your school. I know others where the Alumni—

Mr. Chairman, I wonder if under the regulations where there is representation, where the member of the union, two members of the PTA, the past pupils' association—Is this past pupils' association the same as the Alumni?

Hon. Senators: Yes.

Sen. Rev. Teelucksingh: Maybe we can increase the membership there instead of one, and that might help. Thank you, very much.

Mrs. Persad-Bissessar: Mr. Chairman, I thank Members for the points raised. Whilst it is that I see the difficulty in some cases, I believe it would not be prudent for us to legislate for one school, differently from what we are doing for the other schools. Whilst I gave the argument for the “may” and the flexibility of “may”, I can see the difficulty where it is and on what basis would the Minister then decide this school has a good PTA or this school has a good Old Boys' Association and therefore I am not going to set up a school board, you are going to be placing the Minister, whoever that may be, in a very subjective role of determining. Another school could say: “Look Minister, I want you to review your decision, because I have a very good PTA here, and I do not want any school board, I want my PTA to be it.” The Minister could be in serious difficulty—when I say Minister, I mean the office of the Minister—to separate.

I think we can pick up the concerns in the regulations and perhaps, that is where your suggestions as to the regulations would allow that flexibility. We can do it. But I believe, in this, I will go with the policy. I think those were the points, I am being advised, that were raised with respect to deleting “may” which was in the early version, and using “shall”.

I agree with Sen. Rev. Teelucksingh that we have to go with the same structure for all the schools.

12.10 p.m.

The Old Boys' Association is included in the regulations as you would see. They have a representative; the Parent-Teacher Association have a representative, the Past Pupils' Association, the teachers.

The second concern about the geographical catchment area of a particular school, for example, again, we spoke of Queen's Royal College (QRC) where I have been advised that the catchment area is not necessarily from St. Clair. It is from as far out as Central and stretching to the East.

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While we say “Local school board” it does not say that you must be in St. Clair because the school is in St. Clair. That is to say, it does not fix a geographical location, in my respectful view, I am advised.

I am sorry, hon. Senator, we would want to go with the word “shall” and I so propose, Mr. President.

Sen. Prof. Spence: Mr. Chairman, it is the second blow to QRC. The first one, unfortunately, was made by the first Prime Minister of Trinidad and Tobago because he took the same view. He was trying to increase the level of education in the whole country and the way he did it, quite frankly, was to destroy QRC. He removed all the teachers out of QRC and the standard of that school fell dramatically. It has taken years to recover. That was done by Eric Williams and I see the same possibility again here for the same reason that we have to have uniformity—a politician cannot be put in a position that is difficult politically.

Sen. Dr. Eastlyn Mc Kenzie: Mr. Chairman, I read it as the person to institute a board and give it an official and legal status, if you could call it that, is the Minister—that is as far as I see it. And the Minister does this with the regulations as a guide. I also understand the doubt in people’s mind. I am wondering—because we have the regulations to guide us—if we could stop the clause at schools: “The Minister shall by order constitute local school boards or government schools.” Because already you have in the regulations a sort of framework within which these boards must be constituted, and it could be nine, it could be less than nine or whatever.

My main point is that the person to constitute these boards and say, this is a recognized school board, is the Minister. This is how I read it. I really do not read in the other matters.

Mrs. Persad-Bissessar: I thank the hon. Senator for her suggestion, but it would not be prudent to set it without making regulations because you could do anything, so it must be in accordance with regulations.

Mr. Chairman: Sen. Prof. Spence, are you pursuing your proposed amendments?

Sen. Prof. Spence: Yes, Mr. Chairman.

Mr. Chairman: Sen. Prof. Spence's amendment to clause 5(23)(1) reads:

In clause 5 which states:

“The Minister shall by order..., delete the word ‘shall’ and substitute the word ‘may’.

Question on amendment put and negatived.

Clause 5 ordered to stand part of the Bill.

Clause 6 ordered to stand part of the Bill.

Clause 7.

Question proposed, That clause 7 stand part of the Bill.

Sen. Yuille-Williams: Mr. Chairman, I am looking at the original, which is section 25. I am wondering if we are conscious of section 25 of the old Bill which speaks about the reports. We are having two sets of reports coming to the Minister; one from each school board and another from each principal.

Mrs. Persad-Bissessar: Yes, we are aware of that and, as you will know, the reports from supervisors will be on different matters necessarily from the report of the school board, and so the duties and functions of the supervisors are there. This picks up the point that was raised. I am advised that whilst there is no provision which says there shall be a supervisor or a department of school supervision in the ministry, section 25 of the Act speaks of the school supervisor and the report, and section 26 sets out powers and duties. I am advised that similarly in the Education Act, there is no provision in it which says there shall be a principal for every school, but the Act gives the duties of the principal.

Sen. Prof. Spence's point that if we change a particular section, we are deleting supervisors, is not the case legally.

Sen. Prof. Ramchand: Mr. Chairman, the Education Act says at 26(h) among the functions of the supervisors is:

“(h) considering and assessing the confidential reports of teachers;”

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The Government's amendment would add to that the words: "and where appropriate preparing." I think the practice is that principals prepare confidential reports on teachers. It seems to me that this function is now taken away.

Mrs. Persad-Bissessar: Hon. Senator, you are pushing an open door. We agree with you in this regard and we are saying that the supervisors have so much to do, we are giving them an added function, so we will agree to the amendment.

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

"Section 26 of the Act is amended by deleting paragraphs (j), (k) and (l)."

Sen. Prof. John Spence: Mr. Chairman, I wonder if the hon. Minister could explain to us why paragraphs (j), (k) and (l) are being deleted?

Mrs. Persad-Bissessar: Paragraph (j) in the substantive law speaks about supervisors dealing with all other matters of organization. The local school boards now deal with other matters of organization so that to prevent that overlap, it is proposed that we delete (j).

The words "management and administration as may be referred to him by the Minister;" are taken out. Also, the words "co-operating with appropriate authorities in the exercise of authorised schemes;" are taken out.

Sen. Prof. Spence: Why?

Mrs. Persad-Bissessar: This is now being put into the purview of the local school boards, I am advised. And (l) "supervising the due performance of the functions of Managers." Well, we no longer have managers. The committee of managers has been removed completely from the statutes. So both (j) and (k) we are suggesting will be given to the local school boards.

Sen. Rev. Teelucksingh: Mr. Chairman, are we working on whatever regulations we have? For example, job specifications of the school supervisor. Are we seeing a new job specification for him? This is where we are going. What next for the school supervisor? Is he just an occasional visitor? He is a powerful and very important person. In fact, you said in your winding up that we need more school supervisors and I support that

all the way. I want to know what next. Is he a travelling officer? Is he to drop in now and then? If you are having more supervisors and have very little responsibilities, why are we spending all this money and having all this promotion of new people to these offices? We have to look at that again and I really believe that one of the reasons that we have almost lost our government schools is because we had so few supervisors.

What you are doing by deleting all these paragraphs—as Sen. Prof. Spence brought to our notice—is weakening the school supervisor’s office. The board, as I said the other day, is a glorified PTA, a fund-raising management organization to see about two things; the question of discipline, to help us with discipline and the burglaries in schools. You need the school supervisor and you really should not take away from the traditional responsibilities and duties of the school supervisor.

Sen. Dr. Mc Kenzie: Mr. Chairman, my experience has shown that many of our supervisors especially in Tobago are glorified messengers. They carry circulars and all sorts of things, sometimes I tell them over and over that a bright standard five child can do it. We need to have our supervisors do the professional work of the school, we need that first and foremost. They need to see the teachers deliver the curriculum and the strategies they use. We do not have that. Our supervisors have been dethroned by the work they do now, by carrying out a circular, dropping things in place. I say free up the supervisors and let them do the professional work of the school and if it is nothing to impinge upon the professional status of teachers and principals and schools, let other people do it.

Sen. Prof. Ramchand: Mr. Chairman, I agree with that and when you go over the duties of supervisors here, what is left for them to do?

“(a) the supervision and inspection of the programme of education required by the curriculum;” *et cetera*

When you go through what is left for them is still pretty hefty and I think the Minister said she will look at the regulations again to make sure their duties are in the professional direction: the delivery of the curriculum and seeing to the teaching and so forth. So I do not really think there is any danger of the supervisors being deprived of work or being made useless.

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Mr. Chairman, I have been thinking about the deletion of paragraph (l). I would like it to be in. I do not know if Sen. Rev. Teelucksingh would like it because there are managers for the denominational school boards. If we retain paragraph (l), it would mean that the supervisors would have some kind of hold or foot into what the denominational boards are doing, so I would like paragraph (l) to remain. I would not like to give up that power to influence the boards.

Sen. Prof. Spence: The supervisors now supervise the denominational schools as well?

Mrs. Persad-Bissessar: Yes.

Sen. Prof. Spence: Then that puts a different aspect to it altogether. It means we will have to look again at those that are being deleted. They are being deleted because the new school boards would carry out those functions, but the residual functions still apply to the denominational schools. So we have to look at that again.

Sen. Jagmohan: Mr. Chairman, looking at the duties and responsibilities of school supervisors, they relate to government schools and denominational schools. It is my practical experience that school supervisors are much more rigorous and stern in their duties and responsibilities in servicing denominational schools. Their visits are even more often than at government schools.

Sen. Yuille-Williams: I agree with those who wanted to question the deletion of paragraphs (j), (k) and (l) because section 26 deals with "General as to Public Schools". I think it is something we should be concerned about. This is the link that we would keep to look at the denominational as well as the government schools, so if that is removed, we are leaving the denominational schools on their own almost entirely.

There is one other comment I would like to make to the hon. Minister. Whereas I agree very much with retaining paragraph (h) the reason is not because I feel the school supervisor already has a heavy burden. The reason is the principal is the head of that department, the person with whom the teachers work and that is the reason the principal should be the one entrusted with assessing the teachers in the particular school.

Mrs. Persad-Bissessar: I take the comments from hon. Members and I will accede to what I have heard and we will delete the entire clause 7 which means that we will keep paragraphs (j), (k) and (l).

12.25 p.m.

Mr. Chairman, I beg to move that clause 7 of the Bill be deleted.

Mr. Chairman: Hon. Senators, the question is that clause 7 be deleted, and subsequent clauses will be renumbered.

Question put and agreed to.

Clause 7 deleted.

Sen. Rev. Teelucksingh: Can I make one comment? In this new structure as I still see—correct me if I am wrong in my interpretation—the liaison person between the Ministry of Education and the Minister, and the school down there as being your school supervisor and nobody else. The entire Board, the new Board that we are proposing, along with the principal of the school and every organization, is responsible to that liaison person who has to be the school supervisor. And I do not think we are ready to change that.

Mrs. Persad-Bissessar: I will take those comments into account for the compositions.

Clause 8, renumbered clause 7, ordered to stand part of the Bill.

Clause 9, renumbered clause 8, ordered to stand part of the Bill.

Mrs. Persad-Bissessar: Mr. President, before we go I would just like to say—and on the last occasion I should have said it in my winding up—the hon. Senator Joan Yuille-Williams raised the issue of the CEO and that someone had left the post and whether someone was acting. On that occasion, I informed this honourable Senate that there was someone acting. I have since been advised that no one is acting. I wish to correct that. I had given instructions that someone be placed there. As you know, I had gone off on leave and I was of the view that that had been put into place. However, letters have been sent to the Director of Personnel Administration with the recommendation. So I thank the hon. Senator for bringing it to our attention. *[Desk thumping]*

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

Sen. Prof. Spence: Mr. President, have you taken out the clause?

Mr. Chairman: That is renumbered clause 8.

Senate Clerk: Clause 7 was taken out.

Sen. Prof. Spence: I would like to make a comment on it. I am sorry, but I really did not understand that that was the clause you were taking.

Mr. Chairman: Let me get the consent of the Senate to reopen renumbered clause 8. Is that agreeable, Senators?

Hon. Senators: Yes.

Clause 8 recommitted.

Question again proposed, That clause 8 stand part of the Bill.

Sen. Prof. Spence: Mr. Chairman, I would like to suggest that the new clause be worded “affirmative resolution of Parliament.” I am really doing this on behalf of Sen. Mark because I know that he really likes these sorts of issues to come to Parliament for affirmative resolution. But I really think that the regulations are so important. In fact, the Bill itself is, in fact, innocuous without the regulations. The regulations really provide the structure of the Bill, so if Parliament is going to be involved in this structural setting of “New School Boards” then it must be involved in the approval of the regulations. What I am suggesting is that “affirmative” should replace “negative”. That is my proposal. Because, as I say, the regulations are really the action in the Bill; the Bill itself is innocuous. The real crunch comes in the regulations, and therefore if Parliament really wants to be involved in the setting up of these new School Boards, it must do so by discussing the regulations.

Mrs. Persad-Bissessar: I would like to hear the views of other Senators on the other side on the proposal.

Mr. Chairman: Any contributions on that proposed amendment?

Sen. Mahabir-Wyatt: Mr. Chairman, I feel very strongly about the question of affirmative resolution in instances like this. We have had too many cases in the past where things which we wanted to have debated when it came to regulations, it could not. In fact, in the case of one labour Bill that came through, we were sure that with the negative resolution, we could still bring it up; but we could not, unless we moved a separate Motion. And when something is this important and we cannot comment on

it until a Motion is granted, it happens sometimes and it is months you hear that Motion. I feel very strongly that it should be an affirmative resolution.

Sen. Yuille-Williams: Mr. Chairman, I would also like to support this. This is Education and I remember when we did not have the regulations we were unable to proceed with the Bill. It is really important and I think everybody would try to ensure that the regulations help to develop a proper education system, so I would also go along with the affirmative.

Mrs. Persad-Bissessar: Mr. President, this side has no difficulty with the proposals for affirmative resolution. Based on the comments of Senators and their obvious concern that the regulations do reflect a system that would be for the benefit of the children of the nation, we would support the proposal for affirmative resolution and that the regulations be subject to affirmative resolution.

Mr. Chairman: Hon. Senators, the question is that clause 8(2) be amended as follows: In line 2 delete the word “negative” and substitute the word “affirmative.”

Question again put and agreed to.

Clause 8, as amended, 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 suspend for lunch at this stage and resume at 1.45 p.m.

12.35 p.m.: *Sitting suspended.*

1.47 p.m.: *Sitting resumed.*

Mr. President. Hon. Members, we would start motion No. 5 and I call on the Minister of Works and Transport.

**MOTOR VEHICLES AND ROAD TRAFFIC (ENFORCEMENT
AND ADMINISTRATION) (AMDT.) BILL
Senate Amendment**

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

That the House of Representatives amendment to the Motor Vehicles and Road Traffic (Enforcement and Administration) (Amdt.) Bill, 1999 listed in Appendix 1 be now considered.

Question proposed.

Question put and agreed to.

Clause 8.

Senate amendment read as follows:

“8 In the proposed new First Schedule, insert the word ‘motor’ before the word ‘cyclist’ appearing at the beginning of paragraphs 71 and 72.”

Sen. Baksh: Mr. President, I beg to move that this Senate agree with the House of Representatives in the said amendment.

Question proposed.

Question put and agreed to.

**MOTOR VEHICLES AND ROAD TRAFFIC (AMDT.) (NO. 3) BILL
Senate Amendment**

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

That the House of Representatives amendment to the Motor Vehicles and Road Traffic (Amdt.) (No. 3) Bill, 1999 listed in Appendix 2 be now considered.

Question proposed.

Question put and agreed to.

Clause 3.

Senate amendment read as follows:

“3 (a) In the proposed section 86A(2), delete the words ‘make Regulations establishing a system’ and substitute the words ‘prescribe by Regulations, a system’;

- (b) Delete section 86A(3) and substitute the following:
 - (3) The Regulations referred to in subsection (2) shall specify—
 - (a) the maximum number of points to be awarded against a person before it may be established that it would not be in the interest of public safety for him to hold a valid driving permit or that the person is not competent to drive a motor vehicle;
 - (b) the period during which the points shall remain on a person's driving record.”

Sen. Baksh: Mr. President, I beg to move that the Senate doth agree with the House of Representatives in the said amendment.

Question proposed.

Question put and agreed to.

ANTI-PERSONNEL MINES BILL

Order for second reading read.

The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore): Mr. President, I beg to move,

That a 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, be now read a second time.

Mr. President, the fundamental purpose of this Bill is to give effect to the Convention on the Prohibition, Use, Stockpiling and Transfer of Anti-Personnel Mines and on their Destruction. Trinidad and Tobago ratified to this Convention on April 27, 1997 and signed it on December 4, 1997. The background to this Convention is clearly stated in the Convention which is attached to the Bill and it says in part that the state parties—this is at the Preamble, Mr. President—are determined to put an end to the suffering and casualties caused by anti-personnel mines that kill or maim hundreds of people every week, mostly innocent and defenceless civilians and especially children, obstruct economic development and reconstruction, inhibit the repatriation of refugees and internally displaced persons and have other severe consequences for years after emplacement.

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With this in mind, in the signing of the Convention, we have found that these mines are pernicious and indiscriminate weapons that kill and injure as they cannot distinguish between civilians and combatants. Many people who have died, as we have seen from the news reports, are in fact civilians who suffer the consequences of these mines having been laid by the combatants but one of the problems, Mr. President, is that these mines cannot discriminate. What tends to happen in a military scenario is that these mines are laid to slow down the retreat of the opposing forces, and the thinking is that, unlike landmines which have to be dug into the ground, these mines can be virtually put on the surface and once a human being, animal or whatever comes into contact with this mine, it will explode and can sever a leg or other part of the body and, in fact, actually kill in some circumstances, the purpose being to slow down the advance of opposing forces.

Again, it is a strategy in the military that to injure people will not only demoralize the other members when somebody is injured, and screaming and, perhaps, in pain, but it will also utilize other people like medics to take that wounded person back for medical attention. So not only does it slow down the advance, it demoralizes the troops who are advancing and, in fact, utilizes other manpower to take care of the injured. So these land mines have become very popular, they are cheap and they can do a lot of damage considering the amount of the material that you have to use.

Now, as stated, Mr. President, in the Convention, what tends to happen is that after a battle, when the troops move on, these mines remain and, as pointed out in the Convention, they then retard progress, they stop farmers from developing their farms because the only time they will know these mines are there is when they come upon one and it explodes and perhaps kills somebody, then they have to get other people, other soldiers, to perhaps remove these mines. So it does have far-reaching effects and long-term disadvantages to a community. So in fact it became necessary to take some action in an efficient and co-ordinated manner to face the challenges of removing anti-personnel mines throughout the world and assure their destruction.

Of course it would be a different story now to take up these mines that have been located but there are forces in the world now that are, in fact, engaged in such activity, people who have been trained to remove this risk to the innocent civilians on whose land these mines may have been left. It

was believed that a total ban on anti-personnel mines would be an important confidence-building measure, also recognizing the efforts undertaken by the International Red Cross, the Red Crescent Movement, the International Campaign to Ban Land Mines and numerous other governmental organizations around the world.

Parties to the Convention have agreed as follows:

“...never under any circumstances:

- a) To use anti-personnel mines;
- b) To develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, anti-personnel mines;
- c) To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.

2. Each State Party...”

that is each signatory:

“...undertakes to destroy or ensure the destruction of all anti-personnel mines in accordance with the provisions of this Convention.”

2.00 p.m.

Mr. President, the definition of “Anti-personnel mine” can be found in Article 2 to the convention and it states:

‘Anti-personnel mine’ means a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons...”

So the very definition shows the destructive nature of this mine and the purpose for which it was designed. It was not designed simply to slow one down but to “injure or kill” a person. The people who seem to be the biggest victims are children and civilians who occupy the territory where the battle may have taken place.

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Mr. President, this Bill seeks to prohibit numerous activities with regard to anti-personnel mines within and outside of Trinidad and Tobago. For example:

- “4(1) Subject to section 6, no person shall—
- (a) use an anti-personnel mine;
 - (b) develop or produce an anti-personnel mine;
 - (c) participate in the acquisition of a prohibited object;
 - (d) have a prohibited object in his possession; or
 - (e) participate in the transfer of a prohibited object.”

Mr. President, the prohibition is comprehensive and seeks to cover all facets of possession or participation. Further, this prohibition extends to nationals outside of Trinidad and Tobago. The Bill also sets out conduct that is permitted that would not be a contravention of clause 4, which will generally relate to the destruction of such anti-personnel mines.

The Bill also permits the Permanent Secretary, Ministry of National Security, the power to ensure that all anti-personnel mines are destroyed, also to order the search and destruction of other prohibited objects in contravention of this Bill and destroy such prohibited objects. Clauses 7, 8 and 9 cover that area. The Bill will require any individual in possession of any anti-personnel mine to furnish the Permanent Secretary, Ministry of National Security, with a list of such mines in his possession and the purpose for which they are kept within 10 days of the commencement of this Act.

The Bill also provides for fact-finding missions to enter Trinidad and Tobago on the authority of the President after consultation with the Minister of National Security. There are several penalties. The penalties really deal with anyone found participating or in possession of anti-personnel mines or any prohibited object. It is an offence which on summary conviction is liable to a fine of \$50,000 and imprisonment for seven years.

Additionally, this Bill will seek to create an offence for any person who wilfully obstructs the authorized fact-finding mission in the carrying out of its functions under the Ottawa Convention. Further, as I said before, there

have been numerous incidents of the destruction of lives due to the indiscriminate placement of mine fields in countries such as Nicaragua and South East Asia as part of guerrilla warfare.

Mr. President, these mines, unlike minefields which were laid in World War I and II—and even, I believe, in the Korean and Vietnam campaign—were mainly anti-tank mines. These are mines that had to be driven over by a vehicle of a certain tonnage. It was also required that maps be created and held by the people laying down the mines so they could be recovered afterwards, but these anti-personnel mines are not covered by such restrictions. In fact, it would be difficult because of their size and the ease with which they could be laid to keep track of where they are, and that is the dangerous part.

So one may have heard the expression of walking through a minefield and that means you have to be careful where you place your foot and, perhaps, walk in the steps of who precedes you. *[Laughter]* So if anybody gets blown up you will see the other fellow go and you would probably just pass where he was. In fact, this is the problem with the landmines. I am glad to say that many of our neighbouring islands are parties to this convention including: the Bahamas, Jamaica, St. Kitts and Nevis, Barbados, Dominica, St. Lucia, Antigua and Barbuda.

Although it may seem that this Bill has no practical effect in Trinidad and Tobago because there is no record of anti-personnel mines having been imported—certainly not by the military—in the country, it is really incumbent on the Government to exercise good foresight in light of the developing trends in society and, certainly, concern for our citizenry. The human race and international law at large dictate that such destruction should be pre-empted insofar as it is possible to do so. So this law will then make it necessary for people to report the possession of these mines, regardless of how they came into their possession.

Sen. Prof. Kenny: I just wonder whether the honourable Minister would clarify something for me. The definition of an anti-personnel mine in Article 2 says:

“Anti-personnel mine’ means a mine designed to be exploded by the presence, proximity or contact of a person...”

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Now, we have our own local version of the anti-personnel mine, this is the trap gun. Would a trap gun not fit into this definition?

Sen. Brig. The Hon. J. Theodore: No. Thank you, Senator. The matter of trap gun did occur. Now, the trap guns, maybe, are there to serve the purpose of discouraging people from entering plantations or fields set down by other people. The trap gun is, in fact, a weapon under the Firearms Act. There are laws to cover the use of unlicensed weapons in Trinidad and Tobago. What the trap gun is designed to do—it is placed at an angle where the buckshot will hit you in your kneecap and stop you in your tracks. There is also the risk that if you cannot remove yourself from the area you could bleed to death. The destructive power is similar and comparable to a landmine but whereas a trap gun is not being used to kill anybody, the landmine, is designed to incapacitate, maim or kill a human being and that is the pernicious part of the whole problem.

Mr. President, the trap guns are used, in fact, in marijuana plantations here in Trinidad and Tobago. They go beyond trap guns and use spikes. They dig holes in the ground and it is covered with something light and the spikes are there—I think they got this from Korea—and a soldier or a policeman going into the field would step into this hole and will get a spike through the sole of his foot. As a result, we also had to order steel-plate boots for officers who go in the advance party to clear the other area for the other soldiers to come in. That is something we are not finding much of today. I am aware that maybe eight years ago that sort of preventative mechanism was very prevalent in marijuana fields.

Mr. President, what has happened is that the police carry out raids far more frequently. In fact, right now, there are three American helicopters at our disposal, which are, in fact, taking policemen and soldiers to the fields, and another weed-eater exercise is planned before the end of this month. The Government expects that by simply dealing with the matter in a comprehensive way it will not only lessen the number of fields, but also keep these marijuana growers on the run and reduce their income. The problem with the trap gun is that it could be used for other things. It is really a device. It is used with a trip wire, as they say. So you walk and kick this wire, it sets the trigger off and fires the round at your legs.

Mr. President, basically what the Government is attempting to do here is to forestall the eventuality of anybody, maybe, wanting to manufacture landmines here under the guise of doing something else, which they could

export elsewhere. So there is no manufacturing or ownership of landmines, which is in keeping with the convention. It is in our interest as a responsible nation that observes these international conventions to move the passage of this Bill.

Mr. President, before I proceed, there are a few amendments which we have observed in reviewing the Bill. I would request that these amendments be circulated so that we could have a look at them at the committee stage.

Mr. Speaker, I beg to move.

Question proposed.

2.10 p.m.

Sen. Danny Montano: Mr. President, I was going to stop the Minister to ask him a question, but he came to the point before I asked him. He indicated that, in fact, our army has no anti-personnel mines in their possession. So, at least from that standpoint, it would seem that we are already in compliance with the spirit of the convention and I am very happy to hear that.

Mr. President, in principle, of course we on this side have no difficulty with the convention and, certainly, I think it is long overdue. The placement of anti-personnel mines in areas of combat was started a long time ago, but it has developed into a real science. Some of these anti-personnel mines are extremely small, some the size of a tennis ball and some the size of one's hands. It looks like a toy. Some of the children tend to pick them up thinking they are toys and, of course, they explode in their faces. It is extremely dangerous.

It is estimated that worldwide there are about 60 million to 70 million anti-personnel land mines which have been deployed and not yet retrieved. It is also estimated that approximately 26,000 persons per year are either killed or maimed by them in areas as close as El Salvador, Nicaragua and the Falkland Islands which still have large areas where the mines have not yet been cleared.

What we have is that on average approximately 800 persons a month are being killed and about 1,000 are being maimed, and 40 per cent of the casualties are women and children, because they are the ones playing and working in the fields. In El Salvador, 75 per cent of the casualties are children. That is how awful these things are. It takes the impact of warfare

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well away from the spectre of the battlefield, so the soldiers are no longer the object of the destruction. In fact, the effect of it is to kill and maim the average citizen.

The Minister indicated that these anti-personnel mines are relatively cheap. In fact, Sir, my information tells me that they cost between US \$3 and US \$30 per mine. That is how cheap they can be but, on average, the cost of locating them and disarming them is between US \$300 to US \$1,000 per mine. The cost of locating them and disarming them is way in excess of the actual cost of the mines themselves.

Mr. President, as of August, 1999, the Ottawa treaty had been signed by 135 countries and ratified by 84. Every country in the Western Hemisphere has signed, except Cuba and the United States. Every member of the European Union, except Finland; 40 out of 48 of the countries in Africa, but yet, some 50 countries have not yet acceded to the treaty. They include the United States, Russia and China. Among those three countries, there is an estimated stockpile of about 250 million anti-personnel land mines. It is a shocking indictment.

A recent release by the White House in the United States indicated that the thinking on the part of the United States is that they still have an obligation to South Korea in the demilitarized zone and, therefore, they still need to maintain their land mines in that area. Apparently, the Government of the United States has given an undertaking to begin the destruction of their stockpile. Apparently, they are in the process of doing so.

While we have no particular difficulty dealing with anti-personnel mines, we still have some concerns about the indiscriminate use of biological warfare, which, as far as I am aware, is not yet subject to any international convention. We are also very concerned about the unauthorized use of firearms in Trinidad and Tobago. It seems that one opens the newspapers every morning and somebody is being shot or maimed with what is, in essence, an unlicensed firearm. I would strongly urge this Government to go on a national hunt in search of unlicensed firearms and do as the government in Australia did: offer a bounty if one can find and hand in a firearm so that it can be destroyed. Apparently it was extremely successful. I will prevail on the Government to consider such an exercise.

To deal with the specific piece of legislation, Mr. President, I had a little difficulty with it in the sense that in Part II, clause 4, it says that “no person shall use an anti-personnel mine”, and it clearly prohibits the use or the possession of anti-personnel mines. I am certainly no technical lawyer, but I had some difficulty trying to locate exactly where this Bill makes it a specific offence punishable by law, where the punishment was.

It seems to me that it tends to show up for the first time in clause 9, but clause 9 deals with where an object is removed from the premises, then the owner or the occupier of the premises will be liable on conviction. So it begs the question, if the object is not removed, it is not technically a punishable offence. It seems to me a little awkward.

I am no expert on this, but when I was reading it, I really found it difficult to find exactly where the offence of the possession lay in the Bill. I would have liked to have seen clause 4 say “it is an offence to do such and such” and, if one does that, then the punishment is this, but we do not actually seem to have an offence anywhere. I was concerned about that.

Mr. President, I was also concerned about the right of entry. Now, the Bill deals with the rights of entry in two areas: in clause 8 and clause 10. Under clause 8, it gives the Permanent Secretary the authority to enter or to authorize someone to enter premises under certain circumstances, which seems to be all right. Then clause 8(4) says that “a Magistrate can issue a warrant for a search and seize operation”, with which I did not really seem to have too much of a problem.

Coming down to clause 10, clause 10(3) effectively authorizes the fact finding mission to search specified areas of the country, and clause 10(4) and (5) give the authority, furthermore, to the police to assist in the functions and to allow them to use reasonable force. Clause 10(6) gives the occupier the right to be entitled to require a copy of the authorization coming from the Minister of National Security, but effectively, it seems to me, that clause 10(7) and (8) give the authority to the fact finding mission to enter anybody's premises without a warrant. Once they are authorized by the state to come here, it seems that they automatically have this right. That is how I read it.

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Mr. President, that seems to be in conflict with Article 8.14 which says:

“The requested State Party shall grant access for the fact-finding mission to all areas and installations under its control...This shall be subject to any arrangements that the requested State Party considers necessary for:

b) the protection of any constitutional obligations...”

So, the Convention seems to recognize that the constitutional rights of citizens are not necessarily abrogated by the convention, but when one looks at clause 10(7) and (8), it seems to give an absolute right to the state and the fact finding mission to enter anybody's premises.

According to clause 10(8):

“Accordingly, where an authorisation purports to be issued under this section in respect of any fact-finding mission, no proceedings (of whatever nature) shall be brought at any time.”

In other words, one really has no way of stopping anybody entering one's premises. Mr. President, I wonder if that is really the intention of the Government or whether it is an oversight. I would rather be inclined to suggest, knowing the hon. Minister, that it is an oversight, because he certainly did not say anything of the kind in his contribution. Therefore, I would have to assume that it was an oversight.

Mr. President, I would be inclined to think that we should, in fact, have the caveat that a warrant should be required, because without a warrant, if one looks at clause 10(3):

“Such an authorisation shall have the effect of authorising the members of the fact-finding mission—

(a) to exercise within the specified area such rights of access, entry and unobstructed inspection as are required for the purposes of the carrying out of the mission's functions....

In other words, that is authorizing the fact-finding mission to enter anybody's house, yard or property, as the case might be.

Mr. President, clause 8(4) clearly recognizes that we have a constitution and clearly recognizing that the convention is that if the state, in whatever form, wants to enter one's property, a warrant is required. However, clause

8(4) does not relate to clause 10(3)(a). I ask the question, why not? It seems to me that it is highly improper for the state to simply enter someone's premises without going through the courts in any way, shape or manner.

I would ask Senators to consider that issue in their contributions.

2.25 p.m.

Moving on a bit, in clause 17 the question is here—where it sets up certain defences to being in possession of one of these objects: are these the only defences that are permissible? Mr. President, I have to ask the question at this point, because the Minister really did not go through the Bill clause by clause. The question is, are these the only defences? In other words, what would be the situation if, while it is on his property and as he is made known of it, he understands that is an anti-personnel land mine but he had no knowledge of the fact that it was on his property? Some persons have employees that might bring these items for hiding or whatever onto their employer's property and the employer, being the *defacto* occupier, would be liable under this Bill.

It seems to me that if he—[*Interruption*]

Sen. Brig. Theodore: Clause 17(1) states:

“..it is a defence for the accused to prove that, at the time of the conduct in question, he neither knew nor suspected, nor had reason to suspect, that it was a prohibited object.”

I am wondering if this answers your question.

Sen. D. Montano: No, I read that but it says: “Yes I knew it was there but I did not know what it was.” That is not the same thing as saying: “I did not know that it was there”. The point is, if those are the only defences, it seems to me that we need to lengthen the list a bit. This was my concern, Mr. President.

Mr. President, without wanting to be too long, my concern was that I do not believe that it was the intention of the convention, that the fact-finding mission should have unimpeded access to private property without the due process of law. I do not believe that was intended and I would have some difficulty in trying to support that position and I would put that to the hon. Senators.

I thank you, very much. [*Desk thumping*]

Sen. Prof. Julian Kenny: Mr. President, Sen. Montano has in fact referred to a couple of the issues that I was going to raise about the legislation. Let me say that I support legislation of this kind. I have a number of questions, however, as to how this has risen, apparently, to the head of the Order Paper. I will go into this in a minute.

Secondly, I do not think I want to challenge what the hon. Senator said, or his knowledge of things military, but it is possible for an ordinary citizen, with today's technology, to acquire knowledge on the different types of anti-personnel mines. It is even possible to acquire knowledge on how to make them, just simply through the Internet. I would hope that the hon. Minister might have dealt with the matter of the anti-personnel mines in a little more detail.

Mr. President, the anti-personnel mines are of two basic kinds; one is the blast mine, which is not meant to kill. The small blast mine is not meant to kill, it is meant to injure, where there is an explosive charge that goes off and one's leg is mangled. It is meant to maim you so you tie up a lot of other people. I think the Minister may have mentioned this.

The other type of anti-personnel mine is the fragmentation one, where the casing is metallic and when it blows up, lumps of metal penetrate the body and several arteries, and it kills.

The other thing is—I think Sen. Montano brought it out—that the main parties who have not signed the mines treaty are the United States, the Soviet Union and China—we do not count Cuba and places like this. Here are the countries who have not signed this international treaty. And who are the manufacturers of the anti-personnel mines? The main manufacturers are the United States, the Soviet Union and China.

The people of Angola do not have the technology to make anti-personnel mines. The peasants in Nicaragua, who are being maimed, do not have the technology. The issue is one, really, of attitudes of the big powers toward the rest of the world. In fact, the point might have been brought out that most of the anti-personnel mines that are distributed in the world—mentioned was made of South East Asia and Africa and so on—are distributed in the Third World, in Central America, many parts of Africa, the Middle East, the Far East and Cambodia. These are all anti-personnel mines that have been placed there, largely, through the interactions of the various large power blocs and their local clients. It is really an immensely important, international, moral issue.

Instead of just merely passing domestic legislation in accordance with the Treaty, I was hoping that our small insignificant nation might start taking a leadership role internationally, in ending the curse of anti-personnel mines.

Mr. President, I know that we are dealing with one part of it. The United States and the Soviet Union make another kind of anti-personnel weapon, which is called the cluster bomb. This is used when one bomb clusters of people. There is a large bomb which, when it fractures, sprays out a large number of small bomblets that are aimed at killing and maiming people.

We, as a small nation, ought to be articulating views, internationally, against this kind of weaponry. I think Sen. Montano referred also to the problem of biological weapons. My point here is that, rather than being passive and say: "We have signed this treaty in 1997, let us get the legal draftsman to draft something and put in all the articles of the treaty, then we have done our duty. I think the nation ought to have some sort of feeling of moral sense, internationally, so that we can stand up to the United States, the Soviet Union and China for that matter and say: "Listen this is our view: it is immoral to manufacture, store, trade or export anti-personnel mines." It is not just simply signing a treaty and then we move on to the next treaty.

Mr. President, the Minister really ought to have described, in a little more detail, the horrific nature of some of these anti-personnel mines. He mentioned them, but some of these mines—I think Sen. Montano mentioned it—were designed to be made attractive. They are shiny, like the the Russian butterfly mines that are used in Chechnya and Afghanistan and places like those. It is a bright little shiny thing that attracts the attention of children and they pick it up and it goes bang and they are maimed or blinded. There is a wide range of these mines.

One of the interesting aspects of the United States response to the international pressure on anti-personnel mines is that they have made it high-tech. There are mines which self-destruct after a certain period. The idea is that you sow your minefield when you are looking after your short-term objective and then after a decent interval they start going bang, bang, bang and the minefields destroy themselves.

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This is a reaction to what they are largely responsible for, that is, the developed, military, complex countries like super powers such as the United States, the Soviet Union and China. They are thinking in terms that when they develop a new technology, there is too much moral pressure on us, what we will do is make the self-destructive mines which blow up after a certain interval.

2.35 p.m.

Of course, no technology is perfect and you cannot get all the mines to self-destruct at the same time. So you go through a period, which may be a year or more, where they keep going off.

Sen. Montano did mention the figures and I am not sure what sources he used, but my sources are essentially the same. The monthly figure is about 800 killed. This is not in the United States of America, nor is it in China, nor is it in the Soviet Union. This is in Angola, Central America, the Middle East and the Far East. It just goes on and on, killing regularly and maiming up to about 2000 persons a month.

If we lost two Boeing 747 Jumbo airplanes per month, we would be horrified, but this, in effect, is what we are doing every month, which averages the equivalent of two Boeing jumbos crashing and killing everybody. It is also the equivalent of five jumbos having a hard landing and damaging and maiming people—and it is all in the Third World, the poorest parts of the world, where there are the dispossessed.

There are three countries that are the principal manufacturers of this demonic weapon. My view is that we ought to take a stronger moral stance. We have signed this, but we ought to be pressuring people at all fora. We ought to be applying pressure directly to the United States authorities here with their helicopters and so forth flying around. We ought to say to them, “Thank you for helping us with our drug problem, but at the same time you are still manufacturing these devilish weapons.”

Mr. President, there is one other figure to which I would like to refer, that deals with the casualties. It is stated that in Angola 1 per cent of the population are anti-personnel mine amputee cases—1 per cent are missing a leg or a hand. This problem in Angola is on the same scale as the HIV problem. It is an extremely serious issue and when we put all these things

together, I hope that as a nation, we can move above the mere mechanics of passing legislation and saying that we have done it. We should take the matter out front, take the leadership in our area, in Caricom, maybe in the wider Caribbean region, and maybe even internationally.

There is one other general point I would like to make, which I mentioned at the start. While I support the legislation and the concerns that Sen. Montano raised, I continue to be puzzled at the Order Paper and the relative importance of matters that come to us. Now, the part of the justification for this legislation is that we signed an international treaty in 1997 and here we are, two years later, we have passed legislation. Are we not great?

We have signed many international treaties and in fact I had asked questions earlier, and when Sen. Theodore was acting for the Minister of Foreign Affairs, he responded to my question about the number of international treaties. At the time, we had actually signed 63 international treaties. In 1984, we had signed the International Convention on the Trade in Endangered Species, a treaty that requires domestic legislation. I have asked questions about this and, of course, it is all coming. Here we are, 16 years later, having signed the treaty—one which binds us—with no domestic legislation on the International Trade in Endangered Species.

It is not the only international treaty that we have signed that causes me some concern. In 1992, the then administration signed the International Convention on Conservation of Biological Diversity. This was at the Rio Conference in 1992. This international convention tells us that we are supposed to develop programmes related to the conservation of that part of the earth's planet that we control and we are supposed to do something about developing programmes and projects to conserve our biological resources. I think this is the third year that we have three vitally important bills that would help us to meet our terms of an international treaty which we have signed, and these appear in this Session as Bills Nos. 11, 12 and 13. They are the Bill for the Conservation of Wild Life; an Act to provide for protected areas—I am just abbreviating it—and the third one is the Planning and Development of Land Bill.

These are three vitally important pieces of legislation that would convey to international authorities that we are serious about meeting our international treaties. Our treaty was signed in 1992 and here we are in the

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final dying months of this Session of this Parliament and it is down on the Order Paper. I would guess that these Bills will not be debated, therefore they will lapse and we will have to start afresh.

I commend the Government for meeting its obligations under an international treaty. I suggest that we ought to be a little more proactive on an international moral issue and we ought to use every device that we can to carry the message to the makers of the devilish weapons that they have to mend their ways.

The third is that we address their attention to the other treaties which we have signed and which require some very, very serious parliamentary work.

I thank you.

Sen. Martin Daly: Mr. President, I make a brief contribution to express my considerable disappointment in this piece of legislation. My disappointment is with the philosophy underlying the Bill, which has been commented on by previous speakers.

If Senators would turn to page 15 of the Bill, there really is a very serious deficiency in the definition of anti-personnel mine. The deficiency is that we are losing the opportunity to outlaw political anti-personnel mines. We are losing a very, very serious opportunity.

I, Mr. President, at the Committee Stage of this very important and urgent Bill—I mean that is why we left our paying work to come here today, since 10.30 a.m. to deal with this very urgent Bill. Since the Bill is so urgent, I feel I must make a contribution, and so I take this opportunity to suggest that, by a very simple amendment, which I will now propose, we could perhaps abolish political anti-personnel mines.

I will show you why this is so important with a few examples. I suggest that the amendment which I am about to propose is also very timely. From what little I know about this, I believe that anti-personnel mines are agents of warfare. I believe that even in the more sophisticated wars, the great wars and so on, there are times when the parties to the war would voluntarily seek a truce. I am reliably informed, and perhaps I unknowingly got the hon. Brigadier to confirm this to me during the lunch-break. He did not know what important information he was giving me at the time. I got him to confirm that even in the greatest wars, truces are called at Christmas and at funerals.

Now, Mr. President, we seem to want in this country to break the age-old—centuries-old—tradition of not having warfare during funerals. We seemed to have a certain amount of warfare at a funeral quite recently, and this, therefore, makes my amendment all the more urgent.

According to the editorial writers—I am glad to see I have the attention of the Minister of Culture on this very important subject—I really think we have to stop immediately this practice of having warfare at funerals. So that makes the amendment which I propose very timely.

I am proposing in relation to the first sentence in clause 1 of Article 2 that we add something to the definition and say:

“1. An Anti-personnel mine means a mine or political consequence...

I would like to insert those three words.

...designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.”

Mr. President, I suggest that is a very worthy amendment so if my amendment is accepted, and I am going to confine my examples—I really do not care very much about Members of the other place, but I would like to protect those Members of the Government and the Cabinet who are my friends and colleagues here. It is for their benefit that I am proposing this amendment. It will incidentally benefit persons in the other place, but my primary concern, Mr. President, is to protect those Members of the Government whom I have come to know and love.

If my amendment is accepted, then if you bring newly appointed acting Prime Ministers into the close proximity of erstwhile acting Prime Ministers, you will not have a political consequence exploded by the presence, proximity or contact of the newly appointed acting Prime Minister with the erstwhile acting Prime Minister—if the grapevine is to believe that Humphrey really exploded when they brought Gillette. There is something in this for the PNM, and even they are not in Government, but I would touch on that very shortly. Then you see my good friend the Minister of Energy and Energy Industries.

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So I would like to protect acting Prime Ministers from the outburst of their predecessors—and my amendment would do that. My amendment would also protect sitting Ministers of Energy from being undermined by proximity or contact of Chairmen of National Gas Companies with the Prime Minister. It would also clearly have the effect of preventing religious leaders and deceased cultural icons from hugging Ministers of Culture by the presence, proximity or contact of the Minister of Culture and Gender Affairs.

Last, but by no means least—although I travel outside of the Cabinet for this example—it certainly would protect NATUC from exploding by the presence, proximity or contact of Senators John and Cabrera in the trade union organization. That is an explosion waiting to happen as a result of the presence, proximity or contact of these worthy colleagues of mine. I do not want the PNM to feel jealous and think that I have left them out. They need a certain amount of help if the polls are to be believed, so I would like, particularly, because of my fondness for the Minister of Culture and Gender Affairs, to give one more cultural example. It certainly would be important to protect potential road march winners from the presence proximity or contact of TUCO officials who were asleep or otherwise inattentive for liquid or other reasons.

Last, but by no means least, I think it is very, very, important to protect our former colleague, Sen. Penelope Beckles, from the presence, proximity or contact of Mr. Edwards in the Arima constituency. So we will see the timeliness, importance and urgency of this Bill once we deal with it with the appropriate sobriety and political sense, and amend it so that it is relevant to our circumstances.

Thank you, Mr. President.

Mr. President: I want to advise Sen. Daly that since he has proposed an amendment during the course of the debate, under the Standing Orders, he is required to circulate that amendment, so that it can be considered at a later stage of the proceedings.

Sen. Muhummad Shabazz: Mr. President, it is really not so easy to talk after that piece of political satire, which was so well enjoyed by the Senate. I will probably have to request it from the *Hansard* and read it to really get the gist of it. I did not get it as easily. As we are on mines I guess

he spoke about mines—and any kind of mines is important at this time. *[Interruption]* Well, at this point, according to my colleague “all is mines”. At this point in time it is indeed, serious. A serious piece of legislation when we look at the international market and what happens worldwide; what happens throughout—again, as somebody pointed out—countries that are under pressure and those that are suffering. To think about what has happened, the innocent people are really—that point was made by Sen. Montano and Sen. Kenny—the people who suffer as a result of these mines. And anything that can be done to stop these mines, really, is worthwhile and should be contributed to.

Secondly, it is a time that—I think Sen. D. Mahabir-Wyatt may like to hear me say this but I would speak about her name sake, Princess Diana—I am not talking about the Queen, who did a lot in this field to walk around the world and open our eyes to the type of suffering that was seen. And, it is, indeed very sad when you look at the pictures of children who have suffered as a result of this. It is indeed a sad thing. When I look at the Bill—I take the Bill from this angle—I wonder how necessary this is for Trinidad and Tobago? I have heard the Minister talk about anti-guerilla warfare and all these things that happen. Why we need these Bills to be passed in Trinidad and Tobago. These things are not at all happening in Trinidad and Tobago, but something that he has said, maybe, it is for the future. It is important that we subscribe to this Convention so that in the future—because I hope that this Government is not expecting anything as to why there is this rush for this Bill.

My reason for saying that is that there are other things in this Bill. You see this Bill allows you to be an observer. When you look at page 29—I think it is, clause 2 under Article 13 says: “States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations, may be invited to attend each Amendment Conference as observers in accordance with the agreed Rules of Procedure.”

We could have taken that position but we choose not to; we choose to be a part of the Convention. Again, as I said, we have no real problem with that. As a responsible nation, the Minister said, “maybe it is important”.

One of the Senators asked: What about trap guns? And I think the Minister in explaining mines—you see, if you are going to subscribe to a Convention, you need not just to accept what the other people of the world put forward for you to sign, you need to take a position where your country

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is concerned too. I think it was an ideal time for us to talk about the trap guns situation in Trinidad and Tobago, and get them to even include it in the Convention, so there would have been a very serious piece of legislation; and to help us solve our problem here. Because in truth and in fact we are, indeed, solving other people's problem.

When I look at what is happening here. On page 19—in subscribing to these conventions, I have read something here that I need to look at. We are also saying that we will assist in helping out with these situations in other parts of the world. Under International Co-operation and Assistance, it states:

7. “State parties may request the United Nations, regional organisations, other State Parties or other competent intergovernmental or non-governmental fora to assist its authorities in the elaboration of a national demining program to determine, *inter alia*.
 - (a) The extent and scope of the anti-personnel mine problem;
 - (b) The financial, technological and human resources that are required for the implementation of the program;
 - (c) The estimated number of years necessary...
 - (d) Mine awareness...
 - (e) Assistance to mine victims;”

It seems as though the International body could ask us to send soldiers to assist them in a demining programme somewhere, and because we are part of this Convention, we may have to assist.

I think that this is something we need to look at. We need to look at our soldiers and our people whom we are sending to do that. This signing of the Convention is not just that we are signing a Convention, there are other implications to the Convention and it would do the Minister well to explain to us all about those things. Not only that, besides the question of having to send people, we are required, under these Conventions, to have proper technological resources to be able to do all those other things. Whether we are capable or would be capable after signing these Conventions is another important thing. Mr. President, again, it is responsible for us to sign.

I have another concern, Mr. President. A point was just made here again. We have signed so many conventions, and what is the position of having done that? Really not much. Even Bills that we have passed in this House. Just recently we passed a Bill here—I believe it was the Legal Aid Bill and we see the lawyers now fighting to have that Bill put into effect. And you have to put that kind of pressure. So in truth and in fact, the question stands, why are we passing all these Bills, and joining all these Conventions? Is it only because of the paperwork or to say that we are a part of something?

You heard the Minister speaking about three planes here going into a weed-eater exercise—and you know I am really for them destroying the weed, but when we read and see the amount of cocaine passing through our country, I just want to quote David Rudder: “Somebody killing the weed and making the cocaine pass.” It seems as though that is what is happening. Let us put up more effective mechanism to ensure that this does not continue to happen. Let us ensure and work on it. Killing the weed is good, I have no objection to that, but let us work, because cocaine seems to be having a greater effect on our nation when we look at what is happening with our citizens. And I think we should work much harder on that trade than on this weedeater and weedtrader we are talking about, because that seemed only to gratify or please the United States of America and what it stands for. This same Convention that we are running to sign, the United States of America has not signed it.

3.00 p.m.

So why are we trying to please them without coming up with our own philosophies and our own strategies?

Mr. President, I would state here and state clearly, when I am agreeing to sign this Convention, the thing that comes to mind most is that this Government just pulled out from an important Convention for Trinidad and Tobago. It is the International Convention of Civil and Political Rights. That is a Convention that encroaches on the freedom and on the minds of the people of Trinidad and Tobago. Really, I prefer to walk with one foot than with a mind that is engaged or with a mind that cannot think freely for itself and a mind that is controlled. As a matter of fact, I prefer to have no legs and no hands than to live in a state where my mind cannot function and do the things and operate in a manner in which I want to operate.

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So when I see them running to sign this Convention and pulling away from the Human Rights Convention I have to wonder and think, what is the purpose of me going into this exercise? There are a number of other things from which they are pulling away that seem to be interfering with my mind while they are trying to protect other countries from their mines, and I would like to give you just a few others, Mr. President.

We talk about the Prison (Amdt.) Bill, where we declare that any place could be called a prison; the Summary Offences Bill where a time limit is prescribed for providing notice for holding public marches, meetings and demonstrations. As we go along, every day they are playing with the minds of the people from the time they came in here until this point in time, yet we are running to sign a Convention that will cripple or interfere with people's physical bodies. I understand that and I take note that I would prefer not to see that happen. But while that is happening, I cannot allow this Government to continue to play with the minds of the citizens of Trinidad and Tobago. It is a sad thing, indeed.

We talk about the House of Representatives Disqualification Bill. This two-clause Bill prevents a judge of the Supreme Court from being nominated as a candidate for the position of the President of the Republic. Why are they bringing those kinds of Bills? We know why that situation came up, you know, Mr. President. I just want us to look at what is happening with this Government and look at how they do things and ask, why are they bringing this Bill here again? Why are they talking about mines that are not affecting Trinidad and Tobago, that will probably not affect Trinidad and Tobago for the next 20 or 30 years while they are interfering with the minds of the citizens of Trinidad and Tobago? I do not even know.

There are other Bills that we are seeing. They want to remove the Privy Council. Well, thank God the Equal Opportunity Bill has not been brought here but that is one that has been in the pipeline for the longest while. We also have the question of their association with the media and how they deal with them. For four years the situation was one of political lyrics, now the lyrics seem to have stopped because the election is coming. They are getting nicer with the lyrics and it is only a set of political gimmicks we are seeing, gimmick after gimmick after four years of political lyrics. That is what this Government is all about.

So when you bring a Bill here to tell me about mines in foreign countries, while you are interfering and playing with the minds of the people of Trinidad and Tobago, I must be concerned. I feel that this Bill is indeed not necessary at this point in time. There are so many other things that they are doing, Mr. President. Well, I look at our national television station, another case of playing with the minds of people. It is not only what is happening on the television but also what is happening throughout, the type of news they choose to bring. It is a whole change and a whole process. It is a place that this Government is clearly, it seems to us, using now to indoctrinate the minds of the people of Trinidad and Tobago to think how they want them to think. I want to let them know that it would not work for them. I will go back and tell this Government really, very honestly, I prefer to have lost a leg or a hand by a mine in Trinidad than to lose my mind by this Government of Trinidad and Tobago. Thank you very much, Mr. President. [*Desk thumping*]

Sen. Mahadeo Jagmohan: Mr. President, this Bill is one that encourages persons so minded to speak a whole lot on it, but will that be necessary at this time? To begin, I wish to ask, and the learned Senator may even advise me privately if not speak about it, the Ottawa Convention appended to this Bill here, can this Parliament legally amend it? Do we have the authority to amend it legally? That is bothering me. I do not know. So the amendment proposed by the learned Sen. Daly, how are we going to deal with that? I do not know. I need help.

Mr. President, when my colleague, Sen. Danny Montano, spoke, he alluded to the point—and Sen. Shabazz also spoke about it—about trap guns being set up in forested areas in Trinidad and Tobago. The trap guns might be set up in some places to scare people away from illegal activities such as thievery on agricultural plantations, the growing of marijuana and so on, and that is a dangerous thing to even talk about here. I will not spend much time on that point but I will go to a few clauses of the Bill.

Sen. Montano made the point, and that is a very important question to our party, my party, the People's National Movement. Our political leader, the distinguished Mr. Manning, is troubled by this question of the amount of gunplay in this country. The radio is reporting left, right and centre today about some kind of intended gun play at the residence of the very

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distinguished Dr. Cudjoe who writes very bravely in the newspaper, and this is frightening. So the point is, can the hon.—before I go there let me make the point.

The hon. Minister of National Security possibly could take the kudos for it or maybe he does not know that this is happening. Only recently, on a road that I traverse to come to this Senate, there were 25 police officers stopping all the traffic to check on what people have in their cars, and what was very interesting—and the ladies here would be proud to hear that—is that among the 25 officers five were men and the rest were women and they were doing their work professionally with very great refinement and execution of total authority. [*Desk thumping*] I have more experience than the policewomen themselves in certain things and perhaps the Permanent Secretary, the Commissioner of Police and whoever else should be commended for that kind of exercise.

They roped in a lot of people whose driving permit and insurance had expired. They were well-meaning, well-placed citizens who forgot about it. They were busy counting their money or whatever it was. So I say, in like manner, Mr. President, can the Minister of National Security sum up the courage, no matter who tells him what, and set up a special squad to search for and retrieve illegal firearms and place them in the custody of the army so that they do not get lost or whatever? My colleague, Sen. Montano, as I said, mentioned the kind of incentive that was given in Australia that elicited tremendous success in that regard. People would start to feel safer in this country if they are of the understanding or they come to realize that illegal arms and firearms are reduced to the barest minimum or they are difficult to come by. That was the point, Mr. President.

Now, with respect to the actual Bill, I have a problem here, Mr. President. On page 4, subclause (7)(a) reads like this, and you will permit me to read, Sir:

“The development of techniques of mine detection, mine clearance or mine destruction;”

(b) training in techniques of mine detection, mine clearance or mine destruction;”

I do not see any difference in these two subclauses. Perhaps they should be reduced to one clause. Maybe in the Committee Stage somebody might take it up. To develop something and to train people in something, to my mind, mean the same thing. So that is a question that we should think about.

I go further on the same page 4, Mr. President, clause 7(3) states, and in order to make the point I need your permission to read again:

“A person who destroys anti-personnel mines in pursuance of subsection (1) shall, within five days of such destruction, furnish the Permanent Secretary with a written breakdown of the quantity of each type of anti-personnel mines destroyed.”

This is a very troubling subclause, Mr. President. I am of the view that, before these anti-personnel mines are destroyed, the Permanent Secretary should have advance information that such an action is about to take place or will take place as scheduled or otherwise. It is my belief that somebody, a competent officer from the security service, should be allowed to witness this destruction so long as it is safe for him so to do. So I am suggesting this to the hon. Minister. Maybe I have one or two small points again, Mr. President.

On page 7 subclause (6), the latter part of subclause (b) states:

“any premises on which an inspection is being carried out in reliance on such an authorisation,

or a person acting on behalf of the occupier of any such premises, shall be entitled to require a copy of the authorisation to be shown to him by a member of the fact-finding mission.”

This authorization is to enter premises. I humbly suggest to this Parliament, Mr. President, that the Minister take a second look at this subclause. Why did it not say, “a copy shall be given to the owner or occupier of such premises”? We tend to forget so much, and many things happen when people do not have in their possession authentic documents to be used one way or the other. So that is my thinking, Sir, in that regard.

3.15 p.m.

Mr. President, like I told you Sir, this is an interesting Bill. This Bill has created a great deal of curiosity in the minds of many people in our great country. According to Sen. Prof. Ramchand, why, in the face of so many

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more important things this Bill has come at this time. We are wondering why is it—and I am not that naive to believe that the Ministry of National Security just sprung up this Bill like that. There could be very important reasons that motivated the presentation of this Bill, notwithstanding that Cabinet had to give approval or somebody may have advised to do so.

Mr. President, is it that we have information as a result of reconnaissance flight or investigative reports? If we have that, maybe for reasons of national security, the Minister cannot divulge that. Some of us and some people who can anticipate are scared to death about this Bill. They want to know. Is it that we have discovered anti-personnel mines in this country, and we do not wish to have the citizenry explode or be scared and stop going to political meetings in certain places and so forth? *[Laughter]* Somebody has to tell us. Somebody has got to tell us what is happening. Perhaps, Sen. Prof. Kenny would like to hear this: is it that the Government is afraid that indigenous animals would be destroyed by the landmines and the stock of indigenous animals has already been depleted so very badly in this country?

I was advised—I think I could be challenged because I cannot prove it—that some of the fun parties that some people in the Government have, request nothing but wild meat. We have to slaughter the wild animals in order to procure wild meat, so perhaps that is a consideration that we cannot all dismiss. *[Laughter]* The question is: if the Government has—the Minister is not paying attention—*[Laughter]* information that landmines are about to be used or are present in Trinidad and Tobago, one does not have to tell us the fine details but the nation should be alerted. *[Laughter]*

Mr. President, I thank you very much. *[Laughter] [Desk thumping]*

Sen. Rev. Daniel Teelucksingh: Mr. President, just a brief comment or two, and a very important question to the hon. Minister. First of all, I rise to support the Bill because of our historical experiences in 1970 and 1990 and the use of armament of various kinds is a possibility among us, because we know about military activity in our social life.

Mr. President, sometimes on certain occasions when I leave here, I see an unusual growth in military presence outside. It happens from time to time. Sometimes I go and see the little jeep parked up there and we always ask ourselves, why? We are accustomed to this kind of thing. Is it possible that there is—let me tell you something: there are people who, because of

these historical experiences, live in a situation of uneasy calm in this country. We have not gotten over it and the scars are there. People are still asking, if there is clandestine paramilitary activity in this country. It is a question that is not hidden far from the minds of people. I think, these precautionary measures in legislation are so very important. We are referring to possibly the coca fields in Colombia. They have gone far beyond the use of trap guns. They do not use trap guns again. They used these weapons and devices in the coca fields in Colombia and other places. It is only a matter of time, if our boys are using on the hills, trap guns and other local devices.

Mr. President, I have been reading too about these anti-personnel mines. I understand they are so very small you could hold them in one hand and they are extremely destructive. If this falls in the hands of all those who are cultivators of the marijuana fields, it is much easier than going through making a trap gun. So, I think, this is a very timely bit of legislation that is aimed at closing the door and placing a ban on these anti-personnel mines.

Mr. President, one of the strongest points raised in the Senate this afternoon is the point raised by Sen. Prof. Kenny, and I want to identify with that. I feel it is something—I have said this before—about our place in the United Nations and reference is made here in one of the clauses that the United Nations is the organization that would have some hand in this convention and coordinate, as it were, and yet, I ask myself all the time: the prime mover in the United Nations is the United States of America, and it is from that country that these anti-personnel mines are designed. That is one of the main producers of the anti-personnel mines and these are exported to Third World countries. So, what is the Government telling us this afternoon? This piece of legislation joining the convention is good for Third World peoples, but you see us in the United States of America, we make it and we are selling them to you. That is the hypocrisy in the United Nations that bothers me. I asked one time, where is the Caricom voice—if not the Trinidad voice—like in the United Nations in matters like these? Where is the morality and the stance that we are taking as Caricom, if not, Trinidad and Tobago? We have representatives here. A lot of taxpayers' money from Caricom goes up to support our various representatives in the United Nations. What are they saying to speak to France especially, and the United States of America who sit down? They are the ones behind this convention. Do not tell me that the United States of America is not behind

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this convention? They are not signatories, but we would like to see that they have the monopoly in the production—just like in the nuclear weapons. They are telling India and Pakistan what to do about the production of nuclear weapons, but we alone must have the stockpile of these things. That is the hypocrisy and the irony of what happens at the highest level of this very important international convention, like if there are different strokes for peoples of Third World countries.

Mr. Speaker, I do not know what the Government is doing but I believe that we need to direct our representatives to the United Nations and tell them what to say. If they do not know what to say we need to instruct them. We need to instruct them about our convictions and our policy as a country, and just do not leave them there to say, “aye” and “nay”, as far as meetings go. We need to tell them more; we need to tell them about the feelings of the people of Trinidad and Tobago and the Government of this country; and let them represent us. I have said it in the past when we were dealing with the whole question of banana and two little islands in the Caribbean decided that they were going to speak, and they changed the course of an entire debate concerning the whole business of the banana trade.

Mr. President, I want to make mention to the Hon. Minister about these foreign missions—the fact-finding missions—that are allowed to come here and be assured of unobstructed inspections privileges.

3.25 p.m. This reminds me of the Shiprider Agreement right away. They have freedom come.

I want to ask the hon. Minister to state when he is replying why in subclause (4), only the police officers can give assistance to such missions? Are there plans to train our police? I do not know if any of our police officers have ever seen one of these anti-personnel mines and the various types. If, perhaps, a fact-finding mission should come to Trinidad and we really need to go somewhere to recover these anti-personnel mines, do we have police officers trained for such a very specialized and dangerous assignment? The question I want to add to this is, why no reference to the defence force in this document? Why the police and not the defence force to provide the local assistance that the convention is telling us we must approve of? The defence force, I believe, would be the people more qualified than the police to be engaged in a military matter like this.

Mr. President, we are talking about the minefields, anti-personnel mines and the fact-finding mission. I want to close. I want to be metaphorical but, at the same time, use these most important words in the Bill, because the local mine fields in Trinidad and Tobago need to be cleared up. Mine fields are exploding every day. People are not losing their legs as in Cambodia and North Vietnam or in Panama. People are losing their lives in the local mine fields of Trinidad and Tobago and all of us need a fact-finding mission.

Do not wait to have a foreign fact-finding mission to come to look for anti-personnel mines! What about the use of handguns in this country? We have never seen these little things described in the convention prepared in Oslo, but the handguns are here, more dangerous and destructive every day. Look at what is happening with the gang warfare in Laventille. Two persons shot dead at the same time. The security guards—talk about anti-personnel weapons! We have them here already! [*Desk thumping*] It is just that they have a different shape. We have been using them a long time and we are destroying ourselves. We need this fact-finding mission to investigate and diffuse all of these anti-personnel mines.

I am very concerned about the proliferation of handguns in this country causing more deaths than any other kind of military device we know about. We need to investigate that immediately. Do you know kidnapping is en vogue in Trinidad right now? I do not understand. We need a fact-finding mission. People are not only kidnapping persons who have big bank accounts and looking at the type of business they are doing. It seems one can kidnap anybody these days; from a child go back. We need to investigate that. It is a very dangerous thing.

Mr. President, there are mines exploding somewhere on the streets in Port of Spain where store windows are shattered and people just walk in. What about those mines that have been exploding all the time. Suddenly a store window disintegrates and people just walk in there and take things out. We have to diffuse those minefields of Queen Street and San Fernando. This is the fact-finding mission we should be spending our time on. This should be the fact-finding committee, the Parliament of Trinidad and Tobago. That is so very important.

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I am very concerned and I know the society has been concerned. There has been too regular confrontation between the police and civilians in this country and the casualties are coming fast and furious. We need to have a fact-finding commission to investigate that.

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

The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore): Mr. President, I thank the Senators for their contributions and I appreciate the concern over the effect these mines are having on the innocent. I am glad that nobody was tempted to make any mindless contributions under the circumstances. [*Laughter*]

Sen. Montano raised some points I should like to deal with. For instance, he spoke about creating the offence under clause 4, and I would like to refer him to clause 15 where the offence is identified. I think that refers to clause 4. Of course, when we get to the committee stage, if there are any other queries we can look at it then. Clause 15 should address the situation in clause 4 where:

“Any person who contravenes the provisions of this Act or who assists, encourages or induces, in any way, any other person to engage in any activity prohibited under section 4 commits an offence...”

Another point raised by the hon. Senator is the right of entry. In the convention, I am looking at Article 8(8) where it says:

“At any time the requested State Party...”

the government in question,

“may invite a fact-finding mission to its territory. Such mission shall take place without a decision by a Meeting of the State Parties...”

What I think is relevant is on the following page at (13) and (14)(a) and (b). It gives the conditions under which this fact-finding mission can visit the country and it says at (13):

“The requested State Party shall make all efforts to ensure that the fact-finding mission is given the opportunity to speak with all relevant persons who may be able to provide information related to the alleged compliance issue.”

At (14) it goes on:

“The requested State Party shall grant access for the fact-finding mission to all areas and installations under its control where facts relevant to the compliance issue could be expected to be collected. This shall be subject to any arrangements that the requested State Party considers necessary...”

At (b) it goes on to deal with the Constitution, that:

“The protection of any constitutional obligations the requested State Party may have with regard to proprietary rights, searches and seizures, or other constitutional rights.”

So, the impression I get—and at the Committee Stage we could discuss whether a warrant is needed at this time, but the intention is that these people will come on invitation to conduct interviews and visit state controlled institutions.

The other part of it is where the state is of the view that somebody is in possession of these mines. That is where the warrant is issued, that is where the police go in and where a search is conducted and seizure takes place. Another section deals with how one destroys those items. As a matter of fact, this was brought out by Sen. Jagmohan where he was concerned about a person. This is under clause 7(3) where he read:

“A person who destroys anti-personnel mines in pursuance of subsection (1) shall, within five days of such destruction, furnish the Permanent Secretary with a written breakdown of the quantity of each type of anti-personnel mines destroyed.”

If he had looked at subclause (2), the preceding subclause, he would have seen that:

“The Permanent Secretary shall determine the quantity to be destroyed on such day, at such place and time and under the supervision of such person as may be determined by the Permanent Secretary.”

That person could quite easily be a security officer or somebody who is trusted to carry out the destruction that has been ordered.

I suspect that Sen. Jagmohan's concern does not really create a problem because the person will be identified and just not—I think he got the impression that the person who held the goods and declared he had it would

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be allowed to destroy it and then submit a certificate and say, “I had these mines and it is okay, I have destroyed them”. One would suspect that would not be very convincing, but subclause (2) deals with that matter.

I think I will deal with the matter of the firearms straight away. Both Sen. Montano and Sen. Shabazz mentioned the use of firearms, and it was suggested that while we are dealing with land mines and anti-personnel mines which, for all intents and purposes do not exist here, maybe we should address these other instruments of death, like the firearm.

The Firearms Act has been under review for some time, and the intention is to increase the fines and tighten up the regulations with the acquisition of firearms. What is strange is that since the United States has been mentioned, I am sure everyone is aware of how they are resisting the registration of firearms. I think we should all be proud to see that there is quite a procedure in place in Trinidad and Tobago before somebody is granted a firearm licence. So, while that takes care of the legitimate applicants, we have to deal with the illegals.

We did discuss late last year the very issue of a task force, and I think the suggestion has merit—to use the term used by Sen. Montano—that there should be a national hunt and offer of bounty for firearms. Sen. Shabazz made a similar statement where he is concerned with the whole issue of getting out there and taking away these firearms. This is being done in a limited manner.

What we find is to go into a district and carry out a cordon and search requires a search warrant. One has to get a warrant for each of the houses in that district and the magistrate has to be satisfied that one has reasonable cause to search this house. There is the problem of dealing with an area en bloc without declaring a limited state of emergency. On the other hand, the police do go out sometimes with soldiers in joint patrols to cover areas and allow them to search particular houses that have been selected where there is sufficient information.

Of course, one could say that the house next door might have the firearms, but that is one of the disadvantages of the legal system we have. It is how we are prepared to go, by the book, and have the warrants taken out. We cannot just arbitrarily walk into somebody's house and go and look for weapons, but we can go to a magistrate and get a warrant. This is what happens. This takes a lot of time. It takes surveillance, it takes information to zero in on the particular places.

Reading the newspapers recently, we recognize that a number of weapons have been seized—albeit, that may be the tip of the iceberg. Efforts are taking place on a continuous basis. I will certainly look at the issue of offering some reward or bounty for people who hand in firearms but, Mr. President, if we recall, after 1990, the administration at the time attempted that because we knew there were hundreds of firearms in the country.

From what I recall, we may have got one unserviceable shotgun, if at all. *[Laughter]* The reason on the street is that if the person has a firearm, he wants to keep it—albeit, he is not keeping it to commit a crime. He says he may need it for his personal protection and again, we found—I say we, because I was in the army at the time—no one took us on, and no weapons came in. Again, there are two things we are trying to do now in Trinidad and Tobago. One is to stop weapons coming into the country. Most of it, we understand, comes with the drugs.

3.40 p.m.

The availability of firearms makes it the weapon of choice, which is unfortunate, because in the old days it would have been a piece of wood or something else—*[Interruption]*

Sen. Daly: A bull pistle.

Sen. Brig. The Hon. J. Theodore: —a bull pistle which would have a very long lasting effect.

Again, I have taken into account the point made by Sen. Montano that, maybe, we should set up a more concerted programme and keep the searches going and try to get the guns away from the majority of people who have them in their possession for illegal purposes.

Sen. Prof. Kenny did make a plea that the Government should act in a more proactive manner and use this opportunity to let people know that we are a peaceful nation. What we have told the United Nations and the world community is that, our military and our country are prepared to take part in peacekeeping exercises. Again peacekeeping exercises seem to be attracting a high degree of violence and killing. We have indicated that we are not here to participate in any activity against any other nation but we would be part of a peace-keeping force. A lot of our officers have attended peacekeeping training and exercises; both in Canada and Central America.

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The message is there. It is something that, maybe, the Minister of Foreign Affairs could take on board, so when the opportunity presents itself, we could let it be known that we certainly do not contribute to this sort of behaviour.

Sen. Daly, I am glad he saw this as an important and urgent Bill. But again, to me, I do not think it has been proven yet that the proximity or contact to certain individuals would cause any physical damage. *[Laughter]* However, it may create a rise in the stress and tension that is in the area. Maybe some stress management is what we all need. I did hear the hon. President of the Senate indicate that since the amendment was not presented, we may not have to address it at Committee Stage.

Again, I was concerned that maybe Sen. Shabazz was more concerned when he spoke about his mind and so on. I thought he was really agitated by the more agile minds that are present in this Chamber. *[Laughter]* For what it is worth—I did hear my colleague mention that Sen. Shabazz has really no problem. I do not wish to say this in his absence, but his mind is fully conversant: having had very little use over the last few days. I say this tongue in cheek, but I am sorry the gentleman is not here.

I have dealt with Sen. Jagmohan's problem. He also talked of illegal firearms, technique of training and so on. I have dealt with the matter of the person doing the supervision under clause 7(3).

Sen. Rev. Teelucksingh dealt with the general world situation; where developed countries are the ones who manufacture these weapons of destruction and export them to Third World countries. Like the cocaine problem, we do not produce cocaine, but cocaine is produced in other nations destined for the United States and Europe and Trinidad and Tobago is a transit port. I am getting some figures that are more realistic. People have been using all sorts of large numbers of the tonnage that passes through Trinidad and Tobago. In fact, no more than 5 per cent of the cocaine that goes through the Caribbean actually passes through Trinidad and Tobago. This is a Drug Enforcement Administration (DEA) survey that was conducted. But we still do not want any to pass through here. We are, according to the records, a minor transit port. We may look minor from the United States, but any bit of cocaine here is a major problem for us and our youngsters. The whole issue of the Caricom voice is a matter that, I trust, will be taken up at the appropriate level.

The Senator also asked: why is it we are seeing police and not the Defence Force? That is simple. The Defence Force acts in support of the civil power. The Defence Force has no policing power in their own right, but they are there to backup the police and can be requested by the police to give assistance, but it is the police who have the authority to arrest, detain and lay charges. You will find, if you see any soldiers anywhere, there will be a policeman nearby. This is what constitutes the joint patrols: the soldiers provide the manpower while the police provide the authority and the legal basis for apprehending somebody and, perhaps, laying charges.

We do have limited joint patrols being carried out in Trinidad and Tobago now, but one has to be careful that any excessive use of the military could go the wrong way and create the impression that we are worse off than we really are. Let us face it, we already have these advisories which both the Americans and British say are routine and suggest that their people should not come here. Whereas when you speak to them, in Trinidad and Tobago, their opinion is just the opposite, they say it is a lovely country, they are quite happy here and many of them wish to stay. The advisories, notwithstanding, we do have a beautiful country here and our mission is to make sure that it remains safe and secure for our people and for the visitors who come here.

With respect to the shops in Port of Spain, already there are additional police in place. A small task force was created. I have one problem with the shop owners in Port of Spain, in that, earlier on they were told not to put the attractive items right up in the showcase on the road, maybe be a little more discrete. It appears that has not been done. I have asked the Commissioner of Police to speak with the downtown owners to see whether or not they can work out what security measures they could institute to help make their stores safer, because I get the impression that they are quite prepared to lock up at closing time, go home and leave it to the police to protect their property. I feel anybody who owns anything has a certain degree of responsibility to protect what is theirs. I am a bit apprehensive about how much reliance is put on the police, to keep a person's store secure. We are speaking with them to see whether or not they cannot put other measures in place: be it a store alarm. There are some simple alarms, you put them there, you break the glass and the alarm goes off. There are systems that are connected to the nearest police station. The police are there and they are not trying to shirk their responsibilities or their duties. I think

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we have realized that in order to deal with the crime situation, all parties must contribute, and in a case like this, even more so, where their property is involved.

I am hoping that the matter of the break-ins in Port of Spain would be reduced and the perpetrators would be held. Like everything else, you put more police in Port of Spain, they will move on some place else. One has to make sure that we keep a police presence.

At this time, Mr. President, I have just had approval from Cabinet to add another 700 police officers to the police service because we recognize—and I am one of the people who resisted adding to the police service. I must admit that the duties that they are performing require more police officers. We are moving on that. We are doing a strategic review now, out of which will come, perhaps, a few more police officers and we are stepping up the training. The important thing is to keep the country well patrolled and have a visible police presence round-the-clock.

I will be dealing with other matters at a later time, concerning what we are doing, as far as the security of the nation is concerned. I do not want to stray too far from this subject matter. The police are there. They are trying to keep up with what is going on and perhaps even get slightly ahead. Because playing catch up could be very tiring and disturbing.

3.50 p.m.

Basically, downtown is being patrolled and, all in all, I can assure the hon. Senators that the security measures that were raised by them are being addressed. The other matters raised in comments, we can look at during the Committee Stage and, if necessary, entertain any amendments that hon. Senators may wish to advance.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clause 1.

Question proposed, That clause 1 stand part of the Bill.

Mr. Theodore: Mr. Chairman, because there are certain measures to be put in place before this Bill is enacted, we are suggesting that this Bill be amended as follows:

“Delete and substitute the following:

- | | |
|---------------------------------|---|
| Short title and
Commencement | 1. This Act may be cited as the Anti-Personnel Mines Act, 2000 and shall come into force on such date as may be fixed by the President by Proclamation published in the <i>Gazette</i> .” |
|---------------------------------|---|

In that way, we will have a precise starting date.

Question put and agreed to.

Clause 1, as amended, ordered to stand part of the Bill.

Clause 2.

Question proposed, That clause 2 stand part of the Bill.

Mr. Theodore: Mr. Chairman, I beg to move that clause 2 be amended as follows:

“In the definition of ‘anti-personnel mine’ delete the word ‘Convention’ and insert the words ‘Ottawa Convention’.”

Question put and agreed to.

Clause 2, as amended, ordered to stand part of the Bill.

Clause 3.

Question proposed, That clause 3 stand part of the Bill.

Mr. Theodore: Mr. Chairman, I beg to move that clause 3 be amended as follows:

“Delete and substitute the following:

- | | |
|------------------------|---|
| ‘Purpose of the
Act | 2. The purpose of this Act is to give effect to the Ottawa Convention in Trinidad and Tobago.’” |
|------------------------|---|

Question put and agreed to.

Clause 3, as amended, ordered to stand part of the Bill.

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Clauses 4 to 6 ordered to stand part of the Bill.

Clause 7.

Question proposed, That clause 7 stand part of the Bill.

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

“7(4) Insert the word ‘shall’ after the word ‘conviction’.”

Question put and agreed to.

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

Clause 8.

Question proposed, That clause 8 stand part of the Bill.

Mr. Theodore: Mr. Chairman, I beg to move that clause 8 be amended as follows:

“8(4) Substitute the word ‘section’ for the word ‘subsection’.”

Mr. Montano: Mr. Chairman, clause 8(4) states:

“If...a Magistrate is satisfied, on information on oath, that there is reasonable cause to believe that there are grounds for issuing a warrant under this subsection...”

This does not make any sense. Why should he want to make it under this subsection, and for what offence? It really does not relate to anything, unless it is under this section.

Mr. Theodore: Offences relating to anti-personnel mines are under clause 4. Are you suggesting that we should refer to clause 4 rather than subsection (4)?

Mr. Montano: I think it should read, issuing a warrant under this section. The subsection is subsection 8(4).

Mr. Theodore: You are correct. Mr. Chairman, we should replace the word “subsection” with the word “section”.

Question put and agreed to.

Clause 8, as amended, ordered to stand part of the Bill.

Clause 9 ordered to stand part of the Bill.

4.05 p.m.

Clause 10.

Question proposed, That clause 10 stand part of the Bill.

Mr. Chairman: Hon. Senators, the question is that clause 10 be amended as follows:

“Add “(b)” to clause 10 (1) as follows:

Before issuing the authorisation, the President shall direct the Permanent Secretary to obtain from the magistrate a warrant to search private property within the area this fact-finding mission is likely to inspect or search.”

Question put and agreed to.

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

Clause 11 ordered to stand part of the Bill.

Clause 12.

Question proposed, That clause 12 stand part of the Bill.

Sen. Dr. St. Cyr: Mr. Chairman, with respect to sub-clause 12(4), I wondered if the Secretary of State is—

Sen. Brig. Theodore Thank you Senator, it is the “Permanent Secretary”.

Sen. Dr. St. Cyr: What is the change, please?

Mr. Chairman: Substitute “Permanent Secretary” for “Secretary of State”.

Sen. Dr. St. Cyr: If I may say, Sir, I think this is the first piece of legislation in which I have seen the Permanent Secretary written into our laws.

Sen. Yuille-Williams: Mr. Chairman, I am wondering if the Permanent Secretary, in this jurisdiction, is equivalent to the Secretary of State? I am sure it is not the Permanent Secretary.

Sen. Brig. Theodore: The explanation advanced is that in matters of this nature, when it comes to dealing with the responsible officer in the ministry, it is the Permanent Secretary. We do not have a Secretary of State

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here but, what I am told is that the corresponding officer would be the Permanent Secretary. If you take Secretary of State literally, as occurs in the United States, you are talking about a much more senior official in the government service.

Sen. Yuille-Williams: And, that is why I believe it is a much more senior official than the Permanent Secretary.

Sen. Brig. Theodore: In ministries, other than the politicians, there is nobody more senior than the Permanent Secretary. The Permanent Secretary is the head of the Army's boss, except in a state of emergency and the police, the fire and the prison.

Mr. Chairman: Sen. Dr. St. Cyr, is it okay? Is there any other matter you wish to raise on Permanent Secretary?

Sen. Dr. St. Cyr: No, Sir.

Mr. Chairman: Hon. Senators, the amendment to clause 12 (4) should be as follows:

“In line four, substitute ‘Permanent Secretary’ for ‘Secretary of State’”.

Sen. Dr. McKenzie: Mr. Chairman, there is a typographical error at 12(1)(b) the first word. Instead of “he”, it should be “the”.

Question put and agreed to.

Clause 12, as amended, ordered to stand part of the Bill.

Clause 13 ordered to stand part of the Bill.

Clause 14.

Question proposed, That clause 14 stand part of the Bill.

Sen. Brig. Theodore: Mr. Chairman, I beg to move that clause 14 be amended as follows: At the end, we wish to insert a new subparagraph 5 which reads:

“All information required to be furnished to the Secretary General of the United Nations under the Ottawa Convention shall be furnished by the Minister.”

Mr. Chairman: Are there any other contributions?

Question put and agreed to.

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

4.15 p.m.

Clause 15.

Question proposed, That clause 15 stand part of the Bill.

Mr. Chairman. There is a proposed amendment also by the hon. Minister.

Sen. Brig. Theodore: The amendment here, Mr. Chairman, is to make it clear that this matter would be on entitlement, so in line 4 after the words, “and on conviction”, we are asking to insert the words, “on indictment is liable to a fine”. That is purely to identify the level at which the charges will be laid.

Question put and agreed to.

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

Clause 16 ordered to stand part of the Bill.

Clause 17.

Sen. Dr. Mc Kenzie: Mr. Chairman in clause 17(2), the third line, we have another typo, “he neither knew nor”. It is just a typo.

Mr. Chairman: Yes, typographical.

Sen. Montano: Mr. Chairman, in that clause 17, I raise the question really, as to whether these were all of the defences and whether it would still be a defence to say, “I did not even know it was there”.

Sen. Brig. Theodore: Yes, Mr. Chairman, the attorneys say that the normal defences would apply.

Sen. Montano: They would still apply?

Sen. Brig. Theodore: As a matter of right.

Clause 17 ordered to stand part of the Bill.

Clauses 18 and 19 ordered to stand part of the Bill.

Schedule.

Mr. Chairman: There are two typographical errors in Articles 20 and 21. At clause 3 second line, the word, “Depository” should be “Depositary”. In Article 21 the heading, “Depository” should be “Depositary”, and in the first line “United National” should be “United Nations”. We would treat all as typographical errors.

Schedule 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.

ADJOURNMENT

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. President, before moving to adjourn this honourable Senate, I take this opportunity to advise fellow Senators of the order of business at the next sitting of the Senate on Tuesday, May 16, 2000.

We are going to be dealing with the Motion on the Community Service Regulations in the name of the Minister of Social and Community Development, Sport and Youth Affairs. Having done that, we are going to deal with some small amendments coming from the other place which are on the Supplemental Order Paper coming under Motions 7 and 8. These are some minor amendments to the Distribution of Estates Bill and the Sexual Offences (Amdt.) (No. 2) Bill. From there we will go into full debate on the following Bills: the Financial Miscellaneous Provisions Bill, 2000; we will then deal with the Praedial Larceny Prevention (Amdt.) Bill and Summary Offences (Amdt.) Bill conjointly because they impact on each other, and we will then proceed to the Regional Health Authorities (Amdt.) (No. 2) Bill, 2000. So those are the Bills we will be dealing with at the next sitting of the Senate.

Sen. Shabazz: Could you give us the numbers of the Bills?

Sen. The Hon. W. Mark: I have passed it on to your leader so you can get the information.

So, Mr. President, I beg to move that this honourable Senate do now adjourn to Tuesday, May 16, 2000 at 10.30 a.m.

Senate adjourned accordingly.

Adjourned at 4.22 p.m.