

Leave of Absence

Tuesday, June 04, 1996

HOUSE OF REPRESENTATIVES

Tuesday, June 04, 1996.

The House met at 10.30 a.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I wish to indicate that I have received communication from two hon. Members who have sought leave of absence from today's sitting. One is from the Member for Port of Spain North/St. Ann's West (Mr. Gordon Draper) and the other is from the Member for St. Ann's East (Mr. Martin Joseph). This leave is granted.

LEGAL PROFESSION (AMDT.) BILL

Bill to amend the Legal Profession Act; brought from the Senate [*The Attorney General*]; read the first time.

Motion made, That the next stage be taken at a later stage of the proceedings. [*Hon. R. L. Maharaj*].

Question put and agreed to.

COUNTING UNREMUNERATED WORK BILL

Bill to require the Central Statistical Office and other public bodies to produce and maintain statistics relative to the counting of unremunerated work and to provide a mechanism for quantifying and recording the monetary value of such work; brought from the Senate [*The Minister of Community Development, Culture and Women's Affairs*]; read the first time.

PAPER LAID

1. First Annual Report of the Environmental Management Authority dated April 30, 1996. [*The Attorney General (Hon. Ramesh Lawrence Maharaj)*].

ORAL ANSWERS TO QUESTIONS

Arima Health Facility

15. Dr. Rupert Griffith (*Arima*) asked the hon. Minister of Health:

- (a) Would the Minister state whether construction of the Arima Health Facility is completed?

- (b) If the answer is in the affirmative, would the Minister please state:
- (i) when will the Arima Health Facility be commissioned; and
 - (ii) the date when the Facility will commence providing health service to members of the public?

The Minister of Health (Hon. Dr. Hamza Rafeeq): Mr. Speaker, construction of the Arima Health Facility commenced in October 1992 at an estimated cost of \$29 million and a projected date of completion, October 1994. The executing agency for this project was the Ministry of Works and Transport.

In February, 1995 a certificate of practical completion was issued to the contractor even though substantial work remained to be done. The Ministry of Health, at that time and up to October 1995, refused to take possession of the building because of the amount of work still to be done.

When we assumed office in November 1995, about \$40 million had already been spent and the facility remained incomplete. We decided that enough is enough and we were able to get the contractor to agree to complete the unfinished work. This work has now been substantially completed and the Ministry of Health has taken possession of the Facility.

The commissioning process has begun with the appointment of a commissioning team and a commissioning manager since May 6, 1996. The team comprises health professionals and community interests and has been working towards the commissioning of the Health Facility.

The opening of the Arima Health Facility would be done on a phased basis and it is proposed to commence providing services to the public by the end of June, 1996.

Dr. R. Griffith: A supplemental question, Mr. Speaker, the Minister said \$40 million was expended and the building was substantially completed. By what date was that done? Why is it the service will be phased in if the building is substantially completed?

Hon. Dr. Rafeeq: Mr. Speaker, the building has been substantially completed, but equipment has been ordered from abroad and has not yet been received. In addition to this, staffing arrangements have to be made before the other facilities can be opened.

**Arima High Court
(Construction of)**

16. Dr. Rupert Griffith (*Arima*) asked the hon. Attorney General:

- (a) Would the Minister please state whether a high court building will be constructed in Arima?
- (b) If the answer is in the affirmative, would the Attorney General please state:
 - (i) whether the building will be constructed on the old court house site on Queen Street, Arima;
 - (ii) when will the construction of the building commence; and
 - (iii) what is the expected date of completion of the project?

The Minister of Works and Transport (Sen. The Hon. Sadiq Baksh): Mr. Speaker, the Arima Judicial Complex comprising a high court and a magistrate's court will be constructed in Arima. The building will be constructed on the old court house site on Queen Street, Arima. Construction of the Arima Judicial Complex; phase one, magistrates' court, is scheduled to commence in January, 1997 and phase two, the high court, is scheduled to commence in April, 1997. The Arima Judicial Complex, phase one, magistrates' court, is expected to be completed in January 1999, and phase two, the high court, is expected to be completed in April 1999.

10.40 a.m.

**National Gas Company
(Retention of Attorneys)**

17. Mr. Kenneth Valley (*Diego Martin Central*) asked the Minister of Finance:

- (a) Would the Minister please state whether the National Gas Company has retained a local law firm to act as its external legal adviser?
- (b) If the answer is in the affirmative, would the Minister state:
 - (i) the name of the law firm?
 - (ii) the firm's experience in corporate law? and
 - (iii) the terms and conditions of the appointment?

The Minister of Energy and Energy Industries (Sen. The Hon. Finbar Gangar): Mr. Speaker, I wish to advise that the National Gas Company has not retained any law firm to act as its external legal adviser. The Company, however, has an approved panel of attorneys for use in the event that it becomes necessary to retain external attorneys.

The panel comprises of 15 legal firms and attorneys with experience in various areas of law.

In the circumstance the questions raised at (b)(i) to (iii) are not applicable.

Mr. Valley: Mr. Speaker, a supplemental question. Could the Minister state the names of the 15 law firms on the panel.

Hon. F. Gangar: Mr. Speaker, the names of the 15 attorneys-at-law are as follows:

Seniors:

Mr. Selby Wooding

Mr. Tajmool Hosein

Advocate Attorneys:

Mr. Rolston Nelson

Mr. Russell Martineau

Mr. David Patrick

Dr. Claude Denbow

Mr. Trevor A. Lee

Mr. Nizam Mohammed

Mrs. Maureen Rajnauth-Lee

Mr. Neil Bisnath

Instructing Attorneys - San Fernando:

Hobsons

Mrs. Norma Maynard-Marshall

Port of Spain:

Gittens, Smart and Company

Pollonais and Blanc

Mair and Company

De Nobriga, Innis and Company

Goopeesingh, Martineau and Edwards

Peterson and Company

Hannays and Company

Saunders and Company

Junior Counsel - Advocate Attorneys-at-law:

Maurice Haynes

Terence Bharat

Jagdeo Singh

Samuel Saunders

Douglas Mendes

Senior Counsel - Advocate Attorneys-at-law:

Fenton Ramsohoye

David Patrick

Trevor Lee

Karl Hudson-Phillips

Allan Alexander

Instructing Atorneys-at-law:

Girwar and Deonarine

Devesh Maharaj

R. D. Sowley and Company

Mrs. Norma Maynard-Marshall

DEFINITE MATTER
(Urgent Public Importance)
Debt Write-off
(Guyana)

Dr. Keith Rowley (*Diego Martin West*): Mr. Speaker, I gave notice of my intention to raise a matter under Standing Order No. 12(1).

The matter I wish to raise concerns the Government's stated intention to participate in an action to write-off approximately \$2.1 billion of Guyana's debt which is owed to Trinidad and Tobago.

Mr. Speaker, this matter is definite since it relates specifically to the Guyana debt, a specific sum of money which forms part of the asset-base of the people of Trinidad and Tobago.

The matter is urgent since the Trinidad and Tobago Government's policy on the writing-off of this debt is a recent development, the process of which is still to be finalized in the near future.

Mr. Speaker, this matter is of public importance since the people of Trinidad and Tobago stand to be deprived of \$2,000 million of moneys owed to them by a debtor who, over a 26-year period, has made absolutely no serious attempt to service this debt.

This matter is of further public importance since the people of Trinidad and Tobago have indicated their willingness, in 1993, to accept payment in many forms other than cash, where cash was not available.

Mr. Speaker, under the circumstances outlined, I respectfully seek your leave to raise this matter under Standing Order 12(1).

Mr. Speaker: The relevant Standing Order which deals with definite matters of urgent public importance sets out very clearly that the Speaker, who has to rule on this, does not have to give reasons for his decision, and that his ruling is not subject to debate. I just indicated that—I did not have to do it—because this is an area of parliamentary matters that is very much misunderstood.

It is for the Speaker to state whether or not he is satisfied that the matter is proper to be discussed, without giving his reasons for his decision. If he is satisfied and decides that the matter should not be made the subject of an emergency debate under Standing Order 12, further debate on the submission is out of order.

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I wish to indicate that I am not satisfied, notwithstanding that the matter may be definite or urgent, that it qualifies to be discussed under this Standing Order.

**AGRICULTURAL SECTOR
(LOAN & TECHNICAL PROGRAMME)**

The Minister of Agriculture, Land and Marine Resources (Hon. Dr. Reeza Mohammed): Mr. Speaker, I take this opportunity to make a statement to this honourable House, in my capacity as Minister of Agriculture, Land and Marine Resources, on the Agricultural Sector Loan and its supporting Technical Corporation Programme.

Mr. Speaker, in its first major policy annunciation, this Government of national unity gave its commitment to promoting macro-economic stability with social equity through the programmes to be pursued in all sectors. Specifically, in the non-oil sector, agriculture was singled out as a sector with tremendous scope for achieving these macro-economic objectives through greater efficiency and sustainable development. Our focus would be on:

- (1) the creation of jobs through the enhancement of food production;
- (2) promoting domestic food and nutrition security;
- (3) reducing the food import bill;
- (4) securing private sector investment;
- (5) rationalization of state owned enterprises in the sector;
- (6) ensuring the sustainable use of the land, water, forest and marine resources;
- (7) increasing foreign exchange; and
- (8) promoting rural development by lifting the peoples of those communities out of their social backwardness.

10.50 a.m.

The Uruguay Round of GATT imposed, for the first time, trade disciplines similar to those for the manufacturing sector while simultaneously there was an ever increasing growth in the number of regional trading blocs. Our policy and programmes without a doubt took cognizance of these events to ensure that the sector would be prepared to benefit from the opportunities which would become available in the globalized environment.

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It was against this background that the Agricultural Sector Reform Programme and the supporting Technical Corporation Assistance Programme were evaluated before the Government could proceed with a commitment to sign the loan contracts. These programmes were approved by the IADB Board in September 1995. During the review process the present Minister of Agriculture, Land and Marine Resources expressed his concern that the rapid reduction in the rate of tariffs would be inimical to the growth of the sector. Indeed he argued that this would lead to substantial fallout which could run counter to one of the specific areas of focus which is rural development.

Cabinet on the advice of the hon. Minister agreed that the IADB should be engaged in the discussions on the matter prior to signing of the loan document. These discussions were held during the week of April 15-19 and resulted in an operational framework for agricultural trade liberalization acceptable to the Government, in that it provides the farming community with greater leverage in adjusting to the concepts of trade liberalization.

One of the mechanisms to operationalize the framework would be the establishment of a trade policy monitoring unit within the Ministry of Agriculture, Land and Marine Resources. This unit would be given the responsibility of monitoring the negative impact that may be brought on by trade in the sector. The Government having gone through the review process is now confident to commit the resources of the country to this loan programme. Essentially, the loan agreement consists of an Agricultural Sector Reform Programme and the Technical Corporation Programme to support the reform programme. IDB funding will provide a fast disbursing Agricultural Sector Reform Programme loan of US \$65 million and a Technical Corporation Programme of US \$9 million. Government will commit local funding of US \$2 million over the loan period providing for a total programme of US \$76 million.

The terms and conditions of the loan agreement of both loans have an amortization period of 20 years. The disbursement period for the Agricultural Sector Reform Programme would be four years while the funds for the Technical Corporation Programme would be disbursed over a three-year period. Charges include an interest rate which would be variable; an inspection and supervision charge of one per cent and a credit fee charge of 0.75 per cent.

The benefit to be derived from the Agricultural Sector Loan is the Agricultural Sector Reform Programme which will support a range of policy and institutional reforms identified to strengthen the performance of the agricultural

sector in Trinidad and Tobago. These reforms will specifically seek to rationalize public sector expenditure in agriculture to achieve fiscal savings; reform protectionist discretionary economic policies to increase competitiveness; generate foreign exchange through increased exports and import substitution and achieve economic diversification and increase sectoral employment.

The policy reform initiatives will target the areas of trade and price policy; land use; state owned enterprises; public administration and the environment. Also, in an effort to cushion the impact of the reform measures, a social mitigation component is designed to be implemented during the adjustment period.

The Technical Corporation Programme would be financed by the IADB up to US \$9 million in addition to local counterpart funding of a total of US \$2 million. The objectives of the Technical Corporation Programme are to assist the Government of the Republic of Trinidad and Tobago and Ministry of Agriculture, Land and Marine Resources to achieve the transformation of the Ministry to take on the new role as facilitator to the private sector and to assist in fostering the rapid expansion of agriculture by assisting the private sector to explore and take advantage of new opportunities created by structural reform, to provide sustainable positive impacts to offset the immediate negative impacts of the programme.

The Technical Corporation Programme will focus on the following areas in support of the Agricultural Sector Reform Programme. There would be sectoral policy reform specifically to undertake periodic analysis of the economic performance of the agricultural sector, with a view to the identification of constraints to growth and to inform on further policy adjustments; analysis of the impact of policy changes on various population groups within the country and to aid in the design of mitigation programmes. This would strengthen the capacity of both the Ministry of Agriculture, Land and Marine Resources and Central Statistics Office in the collection, processing and analysis of data, on the economic performance of the agricultural sector.

Agribusiness development is aimed at assisting the private sector in responding quickly to new investment; in reorienting existing production and processing operations to take advantage of opportunities for competitiveness presented by the reformed policy environment; by assisting in the identification of opportunities for high value, non-traditional products and or markets; facilitating access to the required technologies as well as the information on

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opportunities and markets; assisting in the strengthening of a private sector organization which will be able to provide technical and informational services on agribusiness and agricultural production problems, in the future.

Land use policy and administration aimed at supporting the Government's effort to achieve a more open, forward looking, market oriented system of land allocation, by focussing on implementation of the Urban and Regional Planning Act (URPA); by assisting Government to develop appropriate administrative structures; reform the development planning process; implement URPA guidelines; assist in the conceptual design and development of the Land Management Authority; review and recommend necessary modification of the surveyors' regulations to make them consistent with the new Land Surveyors Act.

Rationalization of state owned enterprises would be done by providing technical assistance in key managerial and technical areas of Caroni (1975) Limited for increased operational efficiency of both the cane growing and sugar processing operations.

Public administration reform aimed at helping the Ministry of Agriculture, Land and Marine Resources to respond to strengthening its capacity for planning and budgeting, including the development of a management information system; strengthening its capability in assigned regulatory functions, including oversight of the importation and use of agricultural chemicals, as well as plant and animal health; sanitary functions including environmental considerations; restructuring the research, development and extension functions of the Ministry in light of the changing conditions; demand of the sector producers and to assist in the design of measures to mitigate the negative social impact of the Agricultural Sector Reform Programme.

In an effort to ensure timely disbursement for the performance based loan, a project implementation unit would be established to serve both the Agricultural Sector Reform Programme and the Technical Corporation Programme. Interim arrangements are in place to ensure project activities are kept on schedule. This is the first loan to be signed in Trinidad and Tobago by this Government of national unity. We look forward to continued good relations with the IADB in the context of meeting the agreed conditionalities and accessing our tranches in a timely fashion.

The Agricultural Sector Loan is due to be signed in Port of Spain on June 11, 1996 by the hon. Minister of Agriculture, Land and Marine Resources on behalf

of the Government of the Republic of Trinidad and Tobago as approved by Cabinet.

Thank you.

11.00 a.m.

STATE LANDS (REGULARISATION OF TENURE) BILL

Bill to secure certain squatters from ejection from state lands and, in designated areas, to provide for their acquisition, and also acquisition by tenants, of leaseholds for their dwelling houses and for matters incidental thereto. [*The Minister of Housing and Settlements*]; read the first time.

The Minister of Housing and Settlements (Hon. John Humphrey): Mr. Speaker, I beg to move the first reading of a Bill to secure certain squatters from ejection from state lands and, in designated areas, to provide for their acquisition, and also acquisition by tenants, of leaseholds for their dwelling houses and for matters incidental thereto.

Mr. Speaker, 20 years ago, 132 member states of the United Nations met in Vancouver, Canada, to confer on human settlements. From that Habitat Conference came a comprehensive plan for national action to improve the quality of life in human settlements.

This plan reflected the consensus by delegates of the states attending the conference. Sixty-four recommendations are contained in six areas of approach, namely:

- A. Settlement Policies and Strategies
- B. Settlement Planning
- C. Shelter, Infrastructure and Services
- D. Land
- E. Public Participation
- F. Institutions and Management

Mr. Speaker, allow me to quote some of the highlights of the recommendations that came out of the Habitat Conference held in June, 1976.

“A. Settlement Policies and Strategies

‘ ... settlement policies and strategies must be conceived on a scale appropriate to the task and as part of a single concerted effort for the improvement of the quality of life of all people wherever they live and work.’

B. Settlement Planning

‘Planning is a process to achieve the goals and objectives of national development through the rational and efficient use of available resources.’

C. Shelter, Infrastructure and Services

‘ ... the overriding objectives of human settlement policies should be to make shelter, infrastructure and services available to those who need them, in the sequence in which they are needed and at a monetary or social cost that they can afford.’

D. Land

‘Social justice, urban renewal and development, the provision of decent dwellings and healthy conditions for the people can only be achieved if land is used in the interests of the society as a whole.’

E. Public participation

‘A co-operative effort of the people and their Governments is a prerequisite for effective action on human settlements.’

F. Institutions and Management

‘Policies, strategies, plans and programmes cannot be elaborated or implemented without appropriate instruments.’”

Mr. Speaker, today is a ‘red letter’ day in the history of this Parliament and of Trinidad and Tobago. Today we have the introduction of a bill, the passage of which will enable all citizens of Trinidad and Tobago to enjoy security of tenure of their family homes. This has occurred at the same time the United Nations member states are holding their second world conference on human settlements, Habitat II. The Minister of Housing and Settlements is leaving tomorrow to join and to lead Trinidad and Tobago’s delegation which is already at work at Habitat II in Istanbul, Turkey.

Mr. Speaker, I can safely assure Members of this House and the national community that Trinidad and Tobago, since the formation of this Government of national unity, is conforming with all the provisions of the Vancouver Action

Plan, as it is called, of the Habitat Conference on Human Settlements, held 20 years ago.

The State Lands (Regularisation of Tenure) Bill, 1996 and the work by the Government of national unity generally, and the Ministry of Housing and Settlements in particular, in the past six months, will put our country among the leadership of the nations of the world in the critical area of providing a high standard of human settlement for all of the people.

Mr. Speaker, permit me to give credit to a number of people without whom the State Lands (Regularisation of Tenure) Bill, 1996 would not be introduced in Parliament today. First, there is the Attorney General, who conceived of the unique approach of expediting the drafting of the Bill; next, the retired Justice Richard Crane, who led the drafting team, supported by two young attorneys from the Ministry of Housing and Settlements, Mrs. Shireen Ali-Khan and Mrs. Savitri Balkaran. In addition, the Chief Parliamentary Counsel's office prepared the Bill in its present form, giving it urgent priority, and my Cabinet colleagues, led by the hon. Prime Minister, worked, conferred and have given unanimous support to the Bill which is now before Parliament.

I thank you.

**INTEGRITY LEGISLATION
(Joint Select Committee)**

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move the following motion:

Be it resolved that this House appoint the following six Members, to sit with an equal number from the Senate as a joint select committee, for the purpose of considering the Green Paper on Integrity Legislation, to receive and consider the comments of members of the public on the said paper and to submit its recommendations to Parliament thereon:

Mr. Mervyn Assam

Miss Pamela Nicholson

Mr. Harry Partap

Mr. Manohar Ramsaran

Mr. Kenneth Valley

Mrs. Camille Robinson-Regis

Question put and agreed to.

ARRANGEMENT OF BUSINESS

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that Motions Nos. 1 and 2 be deferred to a later stage of the proceedings and that this House proceed with Motion No. 3 on the Order Paper and then to Bills Second Reading, beginning with the Legal Profession (Amdt.) Bill, 1996, followed by Motion No. 4.

Agreed to.

11.10 a.m.

RENT RESTRICTION (RE-ENACTMENT AND VALIDATION) BILL

Senate Amendment

The Minister of Housing and Settlements (Hon. John Humphrey): Mr. Speaker, I beg to move,

That the Senate amendments to the Rent Restriction (Re-enactment and Validation) Bill listed in Appendix 'A' be now considered.

Question proposed.

Question put and agreed to.

Clause 3:

Senate amendment read as follows:

“In subclause 2, insert the word ‘affirmative’ between the words ‘by’ and ‘resolution’.

Mr. Humphrey: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

LEGAL PROFESSION (AMDT.) BILL

Order for second reading read.

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move:

That a Bill to amend the Legal Profession Act 1986 be now read a second time.

This Bill is to legitimize a subtle practice which has existed in Trinidad and Tobago over the years, and that is for English lawyers who are called to the Bar in England to be admitted to practise in Trinidad and Tobago, having regard to the facts, matters and circumstances disclosed in respect of matters in which they apply to appear.

The state, by its conduct over the years, has not only retained English lawyers and caused them to be admitted to the Bar in Trinidad and Tobago in order to conduct cases on its behalf, but it has also facilitated and permitted use of this practice in favour of private individuals who wished to retain lawyers from the United Kingdom to come to Trinidad and Tobago to practise at the Bar to do particular matters.

It has been pointed out to the Government that this practice—although it existed with all the necessary *bona fides* as possible—of admitting English lawyers was not exercised with due and proper authority. In order to give effect to the lawful exercise of the power established by this subtle practice, this Government has decided to introduce this Bill.

Mr. Speaker, to appreciate what we are doing here today, it will be necessary for me to give some background to the Legal Profession Act. There are two main categories of persons entitled to practise law in Trinidad and Tobago. The first category consists of those who, prior to the coming into force of the Legal Profession Act, No. 21 of 1986, were on the roll of barristers and solicitors checked by the Registrar of the Supreme Court. That is clearly mentioned in section 14(1) of the Act.

The other category refers to persons who hold the qualifications to be admitted to practise. These qualifications are laid down in the Council of Legal Education Act, Chap. 39:50 which enacts certain provisions of the treaty establishing the Council of Legal Education of the Caribbean states. The net effect of the foregoing in Trinidad and Tobago is as follows:

- (1) Prior to the coming into effect of the Council of Legal Education Act on October 2, 1975, all persons admitted to practise at the Bar of the United Kingdom and of Northern Ireland and who were admitted to practise in Trinidad and Tobago, remained eligible to practise in Trinidad and Tobago regardless of national origin.
- (2) After October 2, 1975, any national who qualified to be admitted to practise on October 1, 1972, and is recognized as being qualified for

admission to practise in his territory; the term national means, according to the Act, a citizen of any of the member states participating in the agreement establishing the Council of Legal Education. The countries are listed under Article 12 of the Schedule to the Council of Legal Education Act.

- (3) A national who commences or was accepted for a course of legal training leading to a qualification then applicable to practise, and who completed such course of training on or before December 31, 1980, is recognized as having satisfied the requirements for admission to practise.
- (4) Subject to (1) and (2) which I have mentioned above and subject to the special category of law officers under section 26 and non-citizens permitted to practise by order of the Minister under section 16 of the Legal Profession Act, only nationals and Commonwealth citizens of good character holding a Legal Education Certificate under the Council of Legal Education Act may be permitted to practise in Trinidad and Tobago.”

Mr. Speaker, admission to the Law School requires the holding of an LL.B degree of the Faculty of Law of the University of the West Indies, or a degree recognized as its equivalent. On the successful completion of the course of study at the Law School, the professional qualification of Legal Education Certificate is granted. May I mention that it is, therefore, possible for citizens of any country holding a degree considered equivalent to that of the LL.B degree of the University of the West Indies, to gain admission to the Law School and be granted the Legal Education Certificate. If a citizen of a Commonwealth country is of good character, he or she may be admitted to the Bar of Trinidad and Tobago.

In addition, if a national holds a professional qualification from a Common Law jurisdiction which is recognized by the Law School, the Council of Legal Education, that person may be granted the Legal Education Certificate on the completion of a six-month conversion course.

11.20 a.m.

Mr. Speaker, the holding of the Legal Education Certificate only guarantees admission to Trinidad and Tobago to persons of good character if they are either nationals or citizens of Commonwealth countries.

Lawyers who come from England to appear in particular civil, commercial or constitutional matters would not normally have a Legal Education Certificate. So this Bill is attempting to give effect to that practice of permitting, in particular matters, by giving a discretion to the Minister under the Act to consult with the Chief Justice and for an Order to be made which can then be accepted by the Registrar; and the High Court will then have to determine on the question of the admission of the particular lawyer.

It is well-known that it had been the practice in Trinidad and Tobago depending on the expertise which is necessary for a particular kind of case; the nature of the matter; national security consideration; and specialized fields that Trinidad and Tobago from time to time has had the benefit of English attorneys and from other parts of the Commonwealth. This practice may be necessary in the future, especially having regard to the development of the law of intellectual property. May I just mention, for example, in the field of patents, there is at the particular time in Trinidad and Tobago no one versed in that area of law and from time to time there have been requests for people who are versed in that particular field.

It is recognized that in the practice of law, there are people who have been specialized and do a specialized field. It is also recognized in small jurisdictions—and Trinidad and Tobago comparatively is a small jurisdiction—that for many reasons lawyers are not available at times in particular matters, there is no specialty in a particular field and there is need for the courts to get the best assistance they can get.

The Judicial Committee of the Privy Council is the final Court of Appeal of Trinidad and Tobago and the committee adjudicates on civil, criminal and constitutional matters from Trinidad and Tobago. If an English Queen's Counsel who practises before the Privy Council is not permitted to come to Trinidad and Tobago to do the case, that English Queen's Counsel is entitled, without getting any Legal Education Certificate, to go before the Privy Council to argue the matter. One sees the anomaly if one adopts the posture that an English lawyer in particular cases should not be able to come to Trinidad and Tobago in order to do

matters. If he is prevented, he is entitled as of right to go before the most superior court of the appeal process in Trinidad and Tobago to appear without having the Legal Education Certificate.

When this Government was confronted with this information, it decided that there was obviously a policy of governments over the years to allow English Attorneys, in respect of particular matters or cases, to be admitted to practise in Trinidad and Tobago. That is an undisputed policy of the Government of Trinidad and Tobago over the years. Therefore, this Government decided that having regard not only to the undisputed policy, but to the settled practice which is even recognized by the Constitution of Trinidad and Tobago, and in the famous case of Thornhill and the Attorney General, a settled practice was given effect to by the Judicial Committee of the Privy Council, having regard not only to the legal principles of the doctrine of legitimate expectation, but to the moral principle, and the principle of logic that it was necessary for this practice to be legitimized. It is in that context, that the Government decided to adopt previous administrations' policy of permitting this practice. This Government decided to translate that decision, that is to say, to effect and implement that policy by seeking to amend section 16 of the Legal Profession Act. Therefore, it decided to have a Bill drafted and this was done in order to give effect to that policy and to amend section 16 of the Act.

For completeness, section 15 of the Legal Profession Act deals with the question of admission to practise and one would see that under section 15(1) which states:

“Subject to this Act a person who makes application to the High Court and satisfies the Court that he—

- (a) is a Commonwealth citizen,
- (b) is of good character, and
- (c) holds the qualifications prescribed by law, shall be eligible to be admitted by the court to practise as an attorney-at-law in Trinidad and Tobago.”

And section 16 deals with reciprocity provisions, that is to say to be able to permit persons from other jurisdictions, from the Commonwealth, a citizen of this country, or of a country to which the section related, to come to Trinidad and

Tobago to practise but on the basis of reciprocity. The Bill that was first introduced, was in effect, an attempt to amend section 16 of the Act.

When the Bill went to the Senate—and may I pay tribute to the Members of the Opposition and the Independent Senators who supported the Bill—although initially, the Opposition had reservations, but after the explanations they supported the Government. It was pointed out by an Independent Senator that the section which should really be amended should be section 15, and not section 16 of the Act. Although there were two sides of the coin, the Government decided that it would go along and amend section 15 of the Act and that is why from the amendments that have come from the Senate one would see that it deals with amending section 15 of the Act to translate the policy which was decided by this administration and which was in practise in Trinidad and Tobago.

11.30 a.m.

The amendments, therefore—and I would go through them in order to explain them to the House—are as follows:

Section 15 (1) of the Act is being amended by adding after the word “and” at the end of paragraph (b), the word “either”; and adding after paragraph (c), the word “or”; and adding a new paragraph (d).

So, it would now mean that a person who is a Commonwealth citizen, is of good character, or (c) or (d) is a person in respect of whom an Order has been made under Section 15A. And, we are now putting a new Section 15A which reads as follows:

Notwithstanding any law to the contrary, the Minister, where he considers it necessary or expedient after consultation with the Chief Justice, may by Order provide that a Commonwealth citizen who has been admitted to practise in a Commonwealth country for at least 10 years is eligible to be admitted to practise law in Trinidad and Tobago upon such terms and conditions including but not limited to the duration of the admission as the Minister may specify in the Order.

What happens, therefore, is that the person who has to come in respect of a matter would have to apply, the Minister would have to take that application and discuss it with the Chief Justice and the Minister would then take all those matters into consideration and if he or she considers it necessary or expedient, the Minister would be able to make an Order and in that Order would be such terms and conditions which the Minister considers are in the public’s interest. The

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Minister makes the Order and then the Registrar can use that Order to have the matter go before the court and the court would then have a sitting and would determine whether the lawyer should be admitted or not.

Mr. Speaker, the policy of the Bill is the same as in the Act. The policy of the Bill is the same as it was in the Senate. The drafting was different, the wording was different, the mechanics of implementing that policy were different when it was introduced in the Senate. When it left the Senate, however, only the wording was different but the policy remained the same and, today, it is the same as it was under the previous administration. The policy, therefore, is that lawyers from other Commonwealth countries would be admitted to practise law subject to these conditions and to the matters which are specified in the amendment.

May I mention, Mr. Speaker, that the reason for deciding to have the Minister consult with the Chief Justice is that it provided that anyone who is exercising power would not have uncontrolled power and there would be some safeguard, some consultation. One could not think of a better person to consult with than the person who is the head of the administrative arm of the judiciary, the Chief Justice.

Therefore, when one deals with the question of reciprocity, one sees that the Order is made by the Minister under section 16, after the Minister consults with the Chief Justice. So, the formula which has been recognized as the policy for the exercise of such or similar powers is a policy based on the Minister exercising the power but after consultation with the Chief Justice.

This is a bill which was passed by the PNM administration in 1986 and it has been implemented by governments over the years. This practice was implemented quite recently in a case which attracted much attention in Trinidad and Tobago when lawyers on behalf of the state and lawyers on behalf of the defendants—persons who were accused of serious crimes in this country—came from the United Kingdom.

It is a policy that was implemented and the way the policy is to be implemented, where there is the doctrine of reciprocity, is by the Minister after consultation with the Chief Justice.

Mr. Speaker, as Attorney General, it is my duty to mention that the Ministry of the Attorney General has received a memorandum from the Law Association and has had discussions with the Law Association and steps are being taken to revise the entire Legal Profession Act. This Act has been passed in 1986 and from

that time to now, there has been much development with respect to law, the practise of law, the whole concept of the world—the whole concept of a global village.

I do not think this debate is the right time to mention some of these matters, but any government would have to look at these matters in the light of all the economic treaties which have been entered into by the Government of Trinidad and Tobago. The whole question of opening up the system and having a free system. All these matters would have to be looked at. The Government of Trinidad and Tobago under previous administration has committed itself to having an open system.

This is obviously an amendment to deal with particular situations which can arise daily and in order not to prejudice the public's interest, the Government has decided to bring this measure.

May I say that the governments who are members of the treaty agreement are well aware of this practice in Trinidad and Tobago. They are well aware of the agreement which was signed, and that this practice exists not only in Trinidad and Tobago but in other countries that are members of the agreement. So, it is no question of doing something without the sanction of the governments. This has been done, this has been effected, and they are well aware of these matters so that there is no question of contravening either the spirit or the law in respect of any treaty into which this Government has entered.

Mr. Speaker, I await the comments from the other side. I can mention other persons who have agreed with this matter, organizations that have written to government, responses which governments have given but I think this is a matter which is national in outlook. This is a matter in which Members of the Opposition in the Senate showed that they did not have any partisan interest, it is a matter of national concern and one which deserves the support of the Opposition. The Independent Senators supported this measure. So, this Bill comes to this House with the full support of the Upper House.

I beg to move.

Question proposed.

Mr. Roger Boynes (*Toco/Manzanilla*): Mr. Speaker, as I commence my submission, let me make it abundantly clear that we, on this side, support the principle of this amended Bill. So that we do not want at the end of our comments

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and the debate for the other side to suggest that we are obstructionists or that we are opposing the principle of this Bill.

When one looks at this Bill, one must understand that in order to adequately delve into the discussions surrounding this Bill, there are several documents and instruments to which reference must be made.

11.40 a.m.

Now the purport and intention of this Bill, as I understand it, is that it seeks to permit the Minister by order, after consultation with the Chief Justice, to make eligible for admission in Trinidad and Tobago, non-nationals who do not hold the qualifications required by the Council of Legal Education—non-nationals, referring to the persons in the Commonwealth. That was amended.

In relation to the necessary qualifications to be admitted to practise in Trinidad and Tobago, the Legal Profession Act, 1986, has to be read in conjunction with the Council of Legal Education Act, Chap. 39:50. Now if I may just briefly, for the benefit of the House, refer to the Legal Profession Act of 1986, the qualifications for admission to practise under the Legal Profession Act, section 15(1) of that Act states and I quote:

"Subject to this Act, a person who makes application to the high court and satisfies the court that he:

- (a) is a Commonwealth Citizen;
- (b) is of good character, and
- (c) holds the qualifications prescribed by law,

shall be eligible to be admitted by the court to practice as an attorney at law in Trinidad and Tobago."

Now we all understand what it meant by a Commonwealth citizen or someone of good character. We look at the qualification as prescribed by law. If I may mention section 5(5) of the said Legal Profession Act, which states:

"'Qualifications prescribed by law' means the qualifications for admission to practise law set out in the Agreement providing for a system of legal education and training and establishing the Council of Legal Education which is set out in the Schedule to the Council of Legal Education Act."

Now the parties to this agreement included the Commonwealth Caribbean territories which have adopted a common qualification for legal practice—total agreement. Where a territory has not been in entire consensus—and this is to be noted—with the terms of this agreement, there may be a specific reservation for this by way of protocol. This has occurred in the case of Bahamas and the Cayman Islands which reserved the right to admit to practise persons holding qualifications other than a Legal Education Certificate. There is no such protocol for Trinidad and Tobago which is firmly bounded by this said agreement.

Later in my arguments I would submit to this honourable House that, whereas we are seeking to amend the Legal Profession Act—and if I may quote the Member for Couva South, when he just mentioned a short while ago that the Commonwealth territories that are parties to the said agreement, are well aware of this practice, this principle. Since they are well aware of this practice, the hon. Member is suggesting to this honourable House that they are not breaching the terms of the treaty. Why? Because the Commonwealth territories are aware of the practice of introducing foreign or English-based attorneys into our jurisdiction.

The hon. Member is an attorney at law. I am saying he is senior counsel. But just the mere fact that the other territories are aware of this practice and in the face of an agreement that has been incorporated into the law by way of the Council of Legal Education Act, Chap. 39:50 which dictates and specifies the certain conditions and the terms in which a foreign attorney is to practise in Trinidad and Tobago, we are flying in the face of that, we are setting legislation which actually breaches that particular agreement.

I am not suggesting for one minute that we do not support the Bill. What I am suggesting is that it breaches—and we must understand—the agreement that has been arrived at with the other Commonwealth territories.

So it is not true to say that it does not breach the agreement that has been made with the other Commonwealth territories. It is not true. When one comes here before this honourable House, one has to be prepared to talk the truth, the whole truth and nothing but the truth; not lies, half-truths and innuendoes.

I will get back to that particular point as I continue with my submission, to show what we can do to get around that particular scenario, because we are here to do the people's job and the people's work. When we look, for instance, at the qualifications for admission to practise in this agreement, we see, and I quote:

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"Subject to certain transitional provisions set out in Article 6 and which are not relevant to the proposed amendment, the qualifications for admission are to be found in Article 5 which reads as follows:

- (1) The Government of each of the participating territories undertakes that it will recognise that any person holding a Legal Education Certificate (LEC) fulfils the requirements for the practice in its territory so far as institutional training and education are concerned, and that subject to the transitional provisions..."

which I mentioned a short while ago...

"...no person shall be admitted to practise in that territory who does not hold such a certificate. But nothing herein contained shall prevent any territory from imposing additional qualifications as a condition of admission to practise therein."

not lesser amount of qualifications; additional qualifications.

11.50 a.m.

"(2) The foregoing provisions of this Article shall be subject to the terms of the Protocols to this Agreement which shall have effect for the purposes specified therein."

Mr. Speaker, Article 4 of the said Council of Legal Education Act, Chap. 39:50, as amended by Legal Notice 78 of 1985, addresses the manner in which the award of the LEC by the Council may be obtained. Originally, the only route was by completion of a course of study at one of the two law schools—be it the Hugh Wooding Law School in Trinidad and Tobago or the Norman Manley Law School in Jamaica—and the prerequisite for entry into a law school was an LL.B degree from the University of the West Indies or a degree recognized by the Council as being equivalent. The 1985 amendment provided for the Council to additionally award the LEC to a person who was not a national enjoying a transitional provision.

Mr. Speaker, originally an individual was required to have a law degree, and would then have to serve two years in the law school in order to be admitted to the Bar in Trinidad and Tobago. Since the 1986 amendment a person who:

- (a) has obtained a degree of a university or institution which is recognized by the Council as equivalent to the University of the West Indies LL.B degree, and

- (b) (i) is the holder of a qualification which had it been obtained prior to October 1, 1972, would have been recognized by all the participating territories as a qualification to be admitted to practise as a barrister or solicitor in those territories.

My Friend, the Member for Couva South, did mention that.

- (ii) is the holder of a qualification obtained in a common-law jurisdiction for admission to practise in that jurisdiction and which qualification is approved by the Council.
- (iii) has completed, to the satisfaction of the Council, a six-month course of training organized by the Council.

In effect, this means that a practitioner from overseas is required to complete a local six-month training course in order to obtain the LEC and be admitted to practise. There is no provision under the agreement for anyone who does not fall under the transitional provision to be admitted to practise without completing a six-month or a two-year course of training at the law school.

Mr. Speaker, my Friend mentioned in his opening remarks that section 15 deals with the qualification—I have put the qualification in a perspective so that one would understand what are the required qualifications at the moment—and section 16 deals with the issue of reciprocity. Section 16 contains a provision which permits the minister, by order, to allow persons who are not Commonwealth citizens, and who otherwise qualify to be eligible, to be admitted. This may occur in relation to countries where a Trinidad and Tobago national who has obtained qualifications required in that jurisdiction would be entitled to be admitted as a legal practitioner in that country. To date, no such order has ever been made.

The purport of the Bill then is clearly to seek to permit the minister, by order, to have foreign lawyers given permission or authority, upon his discretion and consultation with the Chief Justice to practise in our courts.

Mr. Speaker, I mentioned earlier in my contribution that this Bill is in clear breach of the agreement. Whereas we are looking to regularize a policy, or deal with a situation that we on this side agree with and support, the correct approach must be adopted at all times.

Mrs. Persad-Bissessar: What is the correct approach?

Mr. R. Boynes: Be patient, I would explain in a short while.

We are suggesting that whereas this Bill is being processed and is going from House to House—rather than standing up in this honourable House and saying that the other Commonwealth territories know about it so there is no breach—we can have a proposal that can be sent to all the territories so that they would understand exactly what is taking place here. We would be able to have a protocol or agreement similar to that which obtained in the Cayman Islands and the Bahamas. They have an agreement which was different from the ones the other Caribbean countries have, but they are part of the Council.

If I may, just for the information of my learned Friend, I would refer to Article 5 of the Council of Legal Education Act, which deals with the further protocol to provide for the adhesion of the government of the Cayman Islands, notwithstanding paragraph 1 of Article 5 of the Agreement establishing the Council of Legal Education.

This is what obtains in the Cayman Islands and the Bahamas as stated in Article 12:

"The contracting parties to the Agreement establishing the Council of Legal Education hereby agree that notwithstanding the provisions of paragraph 1 of Article 5, the Government of the Cayman Islands shall be able to admit to practise in the Cayman Islands persons holding qualifications other than a Legal Education Certificate awarded by the Council of Legal Education:"

I am suggesting that the correct approach should be adopted, and that the Government pause, or hold, on this process. Perhaps, the Members on the other side may like to look at this particular approach and adopt it to ensure that we are well within the agreement which bounds us with all the other Commonwealth territories.

Mr. Speaker, we cannot just willy-nilly breach an international or regional agreement for it would prejudice our credibility when we sit down to negotiate international treaties in the future, so we have to do the correct things. The world is small, so I am suggesting that this approach be used.

12.00 noon

I crave the indulgence of the House for one moment to locate a rather important piece of information. I sat here quite patiently and listened with rapt

attention and bated breath to the learned Attorney General. If I may read the amendment which was put on my desk this morning, he is introducing a new clause 15(a). It states:

“Notwithstanding any law to the contrary the Minister, where he considers it necessary or expedient after consultation with the Chief Justice, may by order provide . . .”

I looked at the previous Bill and if I may say, I do appreciate this amendment. I understand Sen. Daly made the amendment and I am very grateful that it was made. I am also suggesting another amendment, apart from consultation only with the Chief Justice, that there be consultation with the Law Association. I listened to the arguments put forward by the Member on the other side suggesting why it is necessary for the Minister to be in consultation with the Chief Justice only. It is because that precedent was set in section 16 of the Legal Profession Act. That deals with the whole area of reciprocity. That section mentions the Minister in consultation with the Chief Justice.

I suggest that on the basis and face of the Council of Legal Education Act which was arrived at by all the Caricom territories, that this particular piece of legislation breaches that section. The persons who sit on the Council are the Attorney General, the Chief Justice and two nominees from the Law Association. With regard to this whole issue as it deals with persons being admitted to practise in Trinidad and Tobago, these are the individuals who sit on that Council, but yet, when it comes to a situation similar to what the Council is dealing with and where the foundation is being laid for foreign-based attorneys to practise in the Republic of Trinidad and Tobago, it is only the Minister in consultation with the Chief Justice. That is an anomaly of the highest order. I am not suggesting that the Chief Justice is not competent because I know how the half-truths and innuendoes are sometimes phrased. Be mindful that as a fact, the Council, and representatives from this country on the Council, are the Attorney General, the Chief Justice and two nominees from the Law Association. If a structure is being set up which would deal with the introduction of foreign-based attorneys in this country, why is the Law Association not part and parcel of that process?

That is one of the difficulties I have with this piece of legislation. I am suggesting that the Law Association should be consulted as well. Is it because the Law Association is run by the erudite and intellectual Frank Solomon SC and his recent article in the newspapers stating the proposed constitutional amendment by my Friend and colleague with respect to the Pratt and Morgan case? Is it

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because of his findings and what he has mentioned that it will take us back to the dark ages that the Law Association has been circumvented? They have been circumvented because they have not been formally consulted with regard to this piece of legislation.

I am suggesting that the right thing be done. Let the Law Association play its role! It is an independent legal body in this country and should be incorporated in this major and important matter. I am suggesting strongly that the Members on the other side ensure that the Law Association plays its role in this particular piece of legislation. I must reiterate every time I make a point so that we would not be seen to be obstructionists. We agree with the intent and purport of this proposed piece of legislation.

I have listened again with bated breath to the hon. Member for Couva South when he mentioned the circumstances in which this discretion by his good self, the Chief Justice and hopefully, the Law Association, if he takes what we on this side are saying and considers it in the best interest of the country. When we look at this Bill carefully, we ask ourselves under what circumstances this discretion would be exercised. The learned Member has mentioned that in cases where there is no expertise locally we would have to source it from another country. He made reference to intellectual property law particularly in the area of patents. I have to let the hon. Member know that in this country there are patent experts. If he wants to know the names of the patent experts I can let him know.

12.10 p.m.

With respect to entertainment law, this is an area in this country where we lack the necessary expertise. In that particular area it may be wise to bring expertise from abroad. I can appreciate that, even though in Trinidad and Tobago we do have entertainment law experts.

I also heard him mention cases of national security, and basically we have no difficulty with that in areas where we do not have the expertise. What we are saying, however, is that in order that there not appear to be discrimination, where the Minister may call the Chief Justice who may have his friend in the United Kingdom and who may decide to get him or her into this country to take a brief, these things must be specified in the Act. Justice must not only be done, but it must manifestly be seen to be done. *National Gas Coal Board vs Jones*.

For that particular reason, it is important that this be the reasoning in the circumstances whereby the foreign attorneys would be sourced to be used in

Trinidad and Tobago. The reasoning and circumstances for the use of such discretion should be specified in the Act, firstly because of the discrimination factor, and secondly because a great deal of foreign exchange will be leaving this country in payment. Thirdly, it would be anathema to our immigration laws.

We look at the immigration laws, and the laws surrounding the issue of a work permit for an individual. When someone comes to our country and seeks a work permit, several conditions are specified under the immigration laws which one must take into consideration. One of the conditions that is stated is that the talent and skills the person possesses must not obtain locally. He has to ensure that. I am suggesting that we do have competent lawyers. We on this side all believe in the legal fraternity of Trinidad and Tobago and in the competence of the lawyers throughout the length and breadth of this twin-island state. If in any way this Bill is suggesting that our attorneys do not have the type of expertise or the competence, we should specify the areas in which we are lacking.

We on this side have no difficulty with this proposed legislation. We are humbly submitting that if this proposed legislation is to be put in place, care must be taken. In closing, we are submitting that:

- (1) the appropriate procedure should be followed so that we will fall within the agreement established by the Council of Legal Education Act. We can follow the protocol that was put forward in the case of Cayman Islands vs Bahamas.
- (2) section 15(a) be amended so that the Law Association, as well as the Chief Justice, would be consulted.
- (3) the circumstances in which these foreign attorneys are to come into this country be specified in this legislation.

With that, I wish to reiterate that we on this side, without the shadow of a doubt, understand and appreciate that there are instances where we need to get local expertise. We appreciate that there are instances of national security where an individual, for instance, an attorney from abroad, after prosecuting in Trinidad and Tobago could, the following morning, pack his bags and leave and not have to deal with any circumstances or perhaps fear of a fallout that may occur as a result of his job here.

With regard to national security, without a doubt there is need for this legislation. That is why we, as the Opposition in the Senate, supported this Bill.

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The Independent Senators have supported this Bill. As far as I understand, the entire Bill has been redrafted, and I compliment them.

Mr. Speaker, I am suggesting that in the spirit of doing what is right for Trinidad and Tobago, the Government take this amendment to heart. We are not here to play games. We are here to do the people's work. So, let them be guided accordingly.

The Minister of Legal Affairs (Hon. Kamla Persad-Bissessar): Mr. Speaker, we are always heartened when we hear Members on the other side talk about doing the right thing. We are happy to see the great change that has come upon them since they lost the election. Prior to that, it seems that at every point they had the opportunity to do the right thing and never did it.

12.20 p.m.

This is another example, Mr. Speaker. I am very surprised that this is not one of the Bills they are claiming to be their own because it seems that every bill that the Attorney General brings to this House the PNM seems to be saying that it was their bill and they drafted it.

On the point about doing the right thing, Mr. Speaker, this Government has brought the amendments to the House because it is concerned about doing the right thing. The Government's concern is not just with words and more words, in which the hon. Members on the other side seem to have engaged for so many years. Mr. Speaker, if they wanted to do the right thing they would have brought a Bill like this to the Parliament. As the hon. Attorney General has pointed out, it has been the practice over the years, for English attorneys to come before our courts to bring their expertise to bear in several matters. Governments over the years have retained foreign attorneys, as the hon. Attorney General pointed out. If we are to uphold their argument here today, what that would mean is that when they were in government, they were, in effect, breaching the law.

They spoke about this side flying in the face of the agreement on which the Council of Legal Education Act is based: Is it then that they were flying in the face of that agreement over the years when they retained foreign attorneys when they were in government? Were they in breach of that agreement, Mr. Speaker? They want us to believe that we are flying in the face of that agreement by attempting to give *de jure* effect, to what was in effect, *de facto*. There were foreign attorneys practising. That was a fact and that was a policy of Members on that side, in so many matters when they were in government. However they failed

then, as they are failing now, to recognize that the proper thing was to have brought the legislation to Parliament and to give *de jure* effect to the practice in which they were partaking.

In my respectful view, there can be absolutely no question as to breach of any agreement. It is a subtle practice of law. I wonder if the hon. Member for Toco/Manzanilla has a brief in mind when he talks about local competence? I want to make it very clear that the Members on this side of the House have absolutely no disregard for local competence. We know that there are attorneys in Trinidad and Tobago who are competent. I am making that very clear for the record. The hon. Member spoke about half-truths and innuendoes and so forth. Mr. Speaker, let me make it very clear, for the record, that we know that there are competent attorneys in this country.

This Bill is not an attempt to kick aside our local attorneys, and that is well known to the Member. This is not an attempt to say that we are not going to retain local attorneys, Mr. Speaker. Having settled that point, I trust the hon. Member would totally agree, that whilst there are competent attorneys—because his government was always very concerned about the global village and about opening up Trinidad and Tobago to the world on the international market—how could those on that side say that by allowing foreign attorneys to practise in Trinidad and Tobago, we would be putting our local attorneys at a disadvantage? Mr. Speaker, again, with the greatest respect to my Friend, that argument holds no water, in my respectful view.

I come back to the question: Are we flying in the face of the agreement? I am saying that it is a subtle practice in law where contracting parties to the agreement have over the years—acquiesced, as it were—to the practice that took place in this country of allowing foreign attorneys to come to Trinidad and Tobago to appear before our courts. In my respectful view, there can be no question of a breach of any agreement. They have accepted that as a subtle practice, Mr. Speaker. As I said, we are attempting to give *de jure* effect to that *de facto* practice.

On the point that the hon. Member made about the question of consultation, again, Mr. Speaker, I want to make it very clear, and all Members on this side would agree, that this Government has engaged upon, and would continue to be engaged in the widest possible levels of consultation throughout the society. On the question of consultation, we have no difficulty with that. The issue of consultation has been the practice of this Government from day one. However, to

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suggest that within this amendment we should include consultation with the Law Association, again, that is prudent. The reason I say this is: Why should we stop at the Law Association? If we were to follow their argument, then, why not consult with the Assembly of Southern Lawyers or with the Association of Criminal Lawyers?

Mr. Boynes: Could the Member give way?

Hon. K. Persad-Bissessar: I am sorry I will not give way. Mr. Speaker, the Member had his turn and Members on that side could reply later.

Why not consult with the Chamber of Commerce or with other bodies? The reason, as it were *[Interruption]* Do you want other bodies? Why not consult with— Mr. Speaker, the point is, if one is putting in legislation the framework within which this should operate, and one is saying that consultation should take place, in our respectful view, that consultation should take place with Government officials within the legislation. *[Interruption]* All right you will have your turn.

Mr. Speaker: Hon. Members, you know that when talking in the House you should address me. What the Member is, in fact, doing is addressing the Member who is speaking. The Hon. Minister should be heard uninterrupted, please.

Hon. K. Persad-Bissessar: I thank you, Mr. Speaker.

What we are doing is bringing legislation to this House. In our respectful view, we do not put into that legislation consultations with other bodies. We put into legislation consultations with officials. This is what the legislation is about. Again, I would ask the hon. Member, why is he confining himself to the Law Association if he wants that kind of consultation?

The hon. Member spoke about the Council of Legal Education Act. If we look at the history of that legislation we would also see the criteria; the factors which make an attorney eligible to practise in Trinidad and Tobago so that we can understand the import of the amendment to the legislation. The Council of Legal Education Act, No. 41 of 1975, sets out the scheme for legal education and training and it was to be binding on the states that were signatories to the agreement. That agreement is in the Schedule to the Act and forms a part of the Act.

The Council of Legal Education, as the Member for Toco/Manzanilla has pointed out, was set up comprising Chief Justices, Attorneys General and at that

time, in those countries, there existed a legal profession that was comprised of barristers and solicitors, in Trinidad and Tobago, Jamaica, Guyana and Barbados and those bodies could have nominated one Council member. The functions of the Council were outlined in Article 3 of the Agreement and they are, broadly, to set up law and training facilities in Trinidad and Tobago and Jamaica. Now, of course, there is also a Faculty in Barbados, the Council to oversee the qualification and examination requirements for law students. Article 5 provided that a person with the Legal Education Certificate was to be recognized as qualified for the purposes of legal education and training in any of the signatory states.

12.30 p.m.

Mr. Speaker, as well as those four states, the signatory states are Antigua, the Bahamas, Belize, the British Virgin Islands, Cayman Islands, Dominica, Grenada, Montserrat, St. Kitts, Nevis, St. Lucia, St. Vincent, Turks and Caicos Islands and Guyana. The Article 5 agreement provided for the recognition of nationals of member states in any of the signatory states. What is interesting, is that it did not make express provision with respect to admission to practise or not, of foreign nationals whose countries were not signatories to the agreement. It is interesting to note that before that Legal Profession Act in 1986, the call to the Bar of Barristers was governed by the 1975 Supreme Court of Judicature Act which in section 86 states that a person would be qualified to be called to the Bar if he was the holder of a Legal Education Certificate, or if he had been called to the Bar in England.

So prior to the Legal Profession Act of 1986—and Mr. Speaker, you may recall that Act was to fuse the profession as it were—a person who had been admitted to practise at the Bar in England, could be admitted to practise in Trinidad and Tobago, however, the Legal Profession Act, as it were, omitted that.

Mr. Speaker: Hon. Members, the sitting of the House is suspended until 1.30 p.m. Members are advised that lunch is served in the lounge.

12.32 p.m.: *Sitting suspended.*

1.32 p.m.: *Sitting resumed.*

Hon. K. Persad-Bissessar: Mr. Speaker, when we took the lunch break, we were dealing with the amendments to the Legal Profession Act.

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Hon. Members on the other side never cease to amaze us on this side because they seem to demonstrate, what we can only call, a forked tongue approach when it comes to legislation in this House; or, put another way, words and more words but they never carry out the things they speak about. And so it is with this amendment, even though they recognized the need for such an amendment, they never brought it to this honourable House. They never took steps to ensure that what they were putting into practice was in fact part of the law by bringing that law and making it part of our statute books.

I join with my hon. colleague, the Minister of Health, to tell the PNM “Enough is Enough” the words that they speak. This Government is committed not just to speaking, not just to words, but is definitely committed to taking action when it is necessary and to carrying out our policies by bringing them to this House and making them part of the law.

Mr. Speaker, I fully support the amendments that are before this House and commend them to this honourable House.

Thank you.

Mr. Colm Imbert (*Diego Martin East*): Mr. Speaker, it gives me great pleasure to enter this debate which could be properly described as an “absolute scandal”.

The Attorney General said in another place and elsewhere that before bringing this Bill before the Parliament, there was adequate consultation. As a matter of fact, I am advised that the Attorney General has indicated that he consulted with the Law Association on this Bill. What he did not tell this honourable House was what the Law Association told him. I have just come off the telephone with a representative of the Law Association and I have been advised that their position has not changed. My colleague, the Member for Toco/Manzanilla, gave some insight into the position of the Law Association and I would expand so that the Members on the other side would understand the misrepresentation that has taken place.

I am advised that the Member for Couva South did mention to the Law Association that he intended to amend legislation to allow foreign attorneys to practise in Trinidad and Tobago. At the time, I am advised that the Law Association told the Member for Couva South that the appearance of foreign attorneys in our court should not be permitted as a general principle and that

Trinidad and Tobago should, as a general rule, adhere to its treaty obligations in this regard.

If the Attorney General wants to know where I am getting this information from, I have in my possession a brief which I received from the Secretary of the Law Association on Friday. So that before there is more misrepresentation, I am dealing with facts.

The Law Association has indicated that, as a general rule, it does not wish foreign attorneys to appear in our courts. However, it indicated to the Member for Couva South that in a very unusual situation an exception might be permitted and that each application should be dealt with on its individual merit and should require the formal approval of the Law Association. That, as far as I am advised, was the position of the Law Association when it met with the Member for Couva South. I said, in another place, he has indicated to the contrary.

With respect to the treaty obligations of Trinidad and Tobago with other Caricom territories which subscribe to the Council of Legal Education, the hon. Member for Couva South had indicated that the hon. Member for Couva North was consulting with his colleagues in Barbados; and that is how they dealt with that. I would like to see the Minutes of those discussions. I would like to hear what the other Caricom countries have to say because I do not trust the Members on the other side and I am not taking their word for it.

1.40 p.m.

When the Member for Couva South made the statement in another place that the Member for Couva North had consulted with other Caricom heads with regard to violation of the treaty relating to this matter, his response was, "well, the Member for Couva North is dealing with that in Barbados." Well, you know how it is. I will have to see the written notes, because I do not accept that that is a completely accurate representation of the facts.

The reason this Bill is a total scandal is that the Minister will now be permitted to allow foreign attorneys to practise in Trinidad and Tobago after consultation with the Chief Justice. We know what the other side has reduced consultation to. Consultation, according to the UNC/DAC coalition is, "hello, good morning, I am allowing so and so to come into Trinidad and Tobago tomorrow." End of story. In other words, consultation could very well be simply a point of information where the Minister would simply telephone the Chief Justice and inform him that he is allowing a foreign attorney to come into the

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country to practise; not seek his approval, and if the Chief Justice does not agree, then he would perhaps try someone else. Not at all. Consultation in this situation will allow the Minister to do whatever he pleases and put the Chief Justice in a very embarrassing position. What happens if the Chief Justice does not agree? What does he do? Does he go public and say, "I do not agree?"

This is one of the reasons why this Bill is a scandal. What surprises me is that it is a lawyer who recently applied for silk, who one would expect would treasure the profession to which he belongs; a lawyer who is now setting the stage for discrimination of a very serious nature against citizens of Trinidad and Tobago, because this amendment seeks to allow foreign attorneys to practise in Trinidad and Tobago without the requirement of a Legal Education Certificate.

At the present time, any lawyer who wishes to be admitted to the Bar, has to satisfy the Council of Legal Education and the Law Association as to their *bona fides*, and has to complete a six-month course at the very minimum, at the law school and acquire a legal certificate. Now the Attorney General is going to allow foreign lawyers who have no such qualifications, to come and practise in Trinidad and Tobago.

What about the local lawyer? What about the Trinidad and Tobago citizen? Will he be given equality under the law? I heard the Member for Siparia talking, but as usual it is clear to me, from the little tail-end of her contribution that I caught, that she just rose in her usual defence of her successor in the Attorney General's office.

I want the Attorney General to tell me what about a citizen of Trinidad and Tobago who has ten years experience, who did his studies in England and who does not have a Legal Education Certificate? Will the Attorney General admit such persons to practise in Trinidad and Tobago? This is a very serious matter, because this could be a case of discrimination, of violation of the Constitution here; the whole question of equality under the law.

The parent Act was passed with a three-fifths majority. I wonder if the Member for Siparia is aware of that. The reason it was passed with a three-fifths majority is because it infringed the rights of persons in Trinidad and Tobago, persons seeking to be attorneys, to be precise. It infringed their right of freedom of association. It forced them to become members of the Law Association, to pay dues, and so on. It circumscribed their rights. It prevented them from acting in a certain way, and therefore a three-fifths majority was required. I have here Act

No. 21 of 1986 where the preamble clearly states it is inconsistent with sections 4 and 5 of the Constitution.

Now the Member for Couva South is going to create a new category of lawyers—a privileged category of lawyers—who do not need to have the qualifications prescribed by law in section 15 of the Legal Profession Act. The reason I say this amendment is a disgrace is because it is a lawyer, one who just recently felt that he should be awarded silk and applied for silk—who has brought this discriminatory piece of legislation to discriminate against Trinidad and Tobago citizens in favour of citizens of foreign countries.

I am certain that this amended legislation is going to be challenged constitutionally, because if I were a lawyer with 10 years experience and I did not have a Legal Education Certificate, I would ask the Minister to allow me to practise and I would think he would have to do so. Then what about those lawyers who, on the other hand, had to follow the Council of Legal Education Act, Chap. 39:50? What about them? So this creates privileged classes of lawyers and discriminates against Trinidad and Tobago citizens, and because, as I say, the parent Act was passed with a three-fifths majority, because it tampered with the rights of persons wishing to practise law.

Unlike the Attorney General, I did not get someone to hustle and rush in 48 hours to draft this Bill which had to be amended in the Senate because of its incompetence, and now again we see further amendments today. I know what I am speaking about, and he can correct me if I am wrong. I know that the drafting of this Bill was done very hurriedly, not too long ago; rush; hurry as usual, and produce incompetent, bad law. I have consulted the Law Association on this matter and I have consulted several constitutional experts, unlike the Member for Couva South who loves to bring legislation to this House that requires a three-fifths majority, and of course he railroads it through, and then he gets up and rambles and brambles and treats us with legal gobbledegook—I think is the correct term—in a superficial attempt to avoid the fact that he is violating the Constitution.

That is why the Member for Tobago East, on a previous occasion, had to make the point, that from Friday to Friday, we see violation of the Constitution. What do you think he was talking about? It was an obvious reference to the trampling of the Constitution by the Member for Couva South who will get up here afterwards and say, "well, this does not need a three-fifths majority; the Member for Diego Martin East is not a lawyer; he does not know what he is

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talking about; I am the Attorney General; I am the most learned and intelligent lawyer in Trinidad and Tobago; I am an SC." Notwithstanding the fact, I have consulted lawyers with twice the experience of the Member for Couva South and I dare say ten times his skill, who have advised me that there is a constitutional question to be answered here as to whether the right of equality of treatment under the law, a right enshrined in the Constitution, is infringed by this piece of legislation.

1.50 p.m.

A local lawyer can say, "I am forced to belong to the Law Association and I need to have a Legal Education Certificate, how come these fellows do not need to have one?" This is an infringement of the Constitution, and I submit that this Bill requires a three-fifths majority.

Mr. Speaker, what did the Law Association say? I am going to expand on what my colleague, the Member for Toco/Manzanilla had to say. When one looks at Article 5 of the Council of Legal Education Act—I wonder if the Attorney General has a copy? I get the impression that he did not even read it. If we go to Article 5, let us see what the Law Association had to say "Admission to Practise"—

"1. The Government of each of the participating territories undertakes that it will recognise that any person holding a Legal Education Certificate fulfils the requirements for practise in its territory so far as institutional training and education are concerned and that (subject to the transitional provisions hereinafter contained and to any reciprocal arrangements that any of the said territories may hereafter make with any other country) no person shall be admitted to practise in that territory who does not hold such certificate."

So, in Article 5 of the Council of Legal Education Act, it is a requirement. This takes us right back to the Legal Profession Act where it states that:

"15(1) Subject to this Act a person who makes application to the High Court and satisfies the Court that he—

(c) holds the qualifications prescribed by law, shall be eligible to be admitted by the court..."

[Interruption] I hear the party animal making noise but I shall ignore him because he, too, is not aware of what he is doing.

Mr. Speaker, the fact is that it is clear that one needs to hold a Legal Education Certificate to practise in the territories that are signatories to the treaty, subject to certain amendments. There are certain countries, the Bahamas and the Cayman Islands, for example, that reserved the right to admit to practise persons holding qualifications other than a Legal Education Certificate, but there is no such protocol for Trinidad and Tobago which is bound by the terms of the agreement. So, I hope the Member for Couva South would not try to misrepresent the facts again.

Let me go now to the whole question of Mr. Newman which has been misrepresented by both the Member for Couva South and the Member for Siparia. I did not have to be present here today. I knew that they would come to this House and misrepresent the whole case of Mr. Newman.

According to the Council of Legal Education Act, and the Legal Profession Act, there is a window for persons who practise. It is amazing that a lawyer of the standing of the Member for Couva South, a State Counsel, would come here and misrepresent the facts. I could understand the hon. Member for Siparia as she just does not know any better. The fact is that lawyers who practised in Trinidad and Tobago prior to 1972—Mr. Newman practised in Trinidad and Tobago prior to 1972—were allowed to practise in Trinidad and Tobago thereafter. That is why George Newman can practise in Trinidad and Tobago. There is nothing illegal about it.

As a matter of fact, there is only one case—and it is so strange that it concerns the Member for Couva South—where a lawyer has been permitted to practise improperly and illegally in the courts of Trinidad and Tobago and that lawyer, Mr. Robertson, was an associate of the Member for Couva South. His is the only case in which a person was improperly admitted to practise in Trinidad and Tobago. Surprise, Surprise, he was an associate of the Member for Couva South. Guess in which case, the infamous amnesty case which was lost by the hon. Member for Couva South at the Privy Council. Poor fellow.

Mr. Speaker, Mr. Newman is properly admitted to practise in Trinidad and Tobago because he holds the qualifications required by law, that is, that he practised in Trinidad and Tobago prior to 1972. So, the Government should please stop misrepresenting the facts. [*Desk thumping*] That is why I would tell the hon. Member for Siparia—and it is in the law; shall I say which clause?—stop taking basket from the Attorney General. He would lead her astray and cause her to embarrass herself.

Mr. Maharaj: It is you who put Saith in trouble.

Mr. C. Imbert: Ha-ha-ha.

Mr. Speaker, let me educate the Members on the other side. Article 6, Council of Legal Education, Chap. 39:50, section 1(b) states that:

"Any national who prior to the 1st October 1972 was undergoing or had been accepted for a course of legal training..."

And it goes on to deal with practising. And as we know the Chief Justice can allow Commonwealth citizens.

The second clause in Article 6 describes a "national" as a person who—

"(a) is a citizen of any participating territory; or

(b) is regarded as belonging to any participating territory under any law in force in that territory."

Then we have the right of the Chief Justice to allow Commonwealth citizens to practise once they have practised prior to 1972. So, what is going on here, Mr. Speaker? What is really going on?

Why is he saying that he is righting a wrong that was practised by the previous administration? Any wrong we practised was for the courts to improperly allow Mr. Robertson to practise. It was wrong and it was illegal.

Let me go now to other aspects of what the Law Association had to say. The Law Association was not at all happy with the proposed amendment of the Attorney General and they told him so. It is a question of disrespect, as I was advised, just before I came into this House, that up to now the Attorney General has not sent the Law Association a copy of this Bill for its comments. Let him deny that! Stand up and deny that! *[Interruption]* If he gets the response he might not like it.

Mr. Speaker, we have an Attorney General who is proposing an amendment to the most fundamental law affecting the practice of law, the profession of lawyers and attorneys in Trinidad and Tobago and what does the Attorney General do? He bypasses, sidelines, ignores and insults the Law Association. He does not sit down with them to discuss the amendment to the law. *[Desk thumping]* I know they have had enough and I understand they are meeting this afternoon to deal with the matter. The Attorney General likes to insult people and he has insulted the President of the Law Association recently by saying that the

President does not speak for the Law Association. This is the kind of Attorney General we have. He is crossing swords with the recognized and acknowledged representatives of the legal profession. That is his nature.

The fact is that he comes to this House with an amendment which is fundamental to the practice of law in Trinidad and Tobago; he does not send a copy to the Law Association; he ignores and bypasses them; he knows that they do not like it; he knows they are opposed to it; he railroads it through the Senate; he makes statements in other places that can be questioned and comes here and says he wants to right a wrong. A wrong that never even occurred; the wrong of Newman. Mr. Newman was properly admitted, my dear fellow. He can check it out.

2.00 p.m.

Let us go on. What did the Law Association have to say? The Law Association has made the point that it treasures very highly the Legal Education Certificate. For a long time there has been debate about why both local and foreign attorneys should have a Legal Education Certificate. It is interesting to note that quite recently the Council of Legal Education vehemently and unanimously voted against relaxing this provision. The Member for Couva South is aware that the Council of Legal Education still believes that one should have a Legal Education Certificate. It holds to that view. There was quite a debate recently and the Council came down unanimously and overwhelmingly and rejected any notion of any person who did not have the Legal Education Certificate being allowed to practise law in the territories which are signatories to the agreement.

Of course, the Attorney General would not tell us that. The Law Association and the Council of Legal Education opposed this. Who is for it? The Attorney General is for it. Why? Is it because there are certain senior lawyers in Trinidad and Tobago with whom he has problems and who do not wish to practise in certain cases? Is it that the Member for Couva South is discriminating against distinguished local lawyers? Is that his problem? Is it that there are certain eminent local lawyers he does not wish to work with and because in Trinidad and Tobago the other lawyers whom he has approached are not willing to deal with certain matters, and he does not want to deal with people who might not follow his instructions to the letter? They might decide to approach the case in a manner which they consider best or prosecute a case along a certain path. He might not have a liking for them. Is that what is going on?

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Can the Attorney General say that it is essential that foreign lawyers be brought here? Has every eminent lawyer been consulted on all matters which the state wishes to prosecute? What has been their response? I would love the Member for Couva South to answer that. My information is that he has a problem with certain local lawyers. He does not want them to get briefs. That is why he is going this way. He wants to bring in foreigners because there are locals with whom he does not see eye to eye.

Hon. Member: Friends.

Mr. C. Imbert: I would not say that. I would say foreigners with whom he is associated and to whom he would pay fat legal fees. Bread is being taken out of the mouths of lawyers in Trinidad and Tobago and put into the mouths of foreigners. Imagine this is in law, one of the oldest professions in the world. I charge the Attorney General for being anti-professional. For years people have aspired to be doctors and lawyers, the two oldest professions in the world. I am not sure which one is older. There is Hippocrates with the medical profession. I am not sure whether Solomon qualifies as the first lawyer.

Are we next going to see the Minister bringing an amendment to the Medical Profession Act to allow foreign doctors with qualifications which only he can accept, to practise in Trinidad and Tobago? The Member for Couva South does not seem to understand. I am asking if he is going to bring laws which would destroy professionals in Trinidad and Tobago. Is he going to amend every Act dealing with professionals so that foreigners could come here and do what they want? Can our lawyers go to England to practise? I feel not. Can our lawyers go to the United States to practise? I do not think so.

Is there reciprocity? I do not think so. Where is the equality? Why should foreigners be allowed to practise in Trinidad and Tobago and locals are not allowed to practise in the countries from which these foreigners come? This is contemptuous! To think that a lawyer would bring such a piece of legislation which discriminates against local lawyers who are citizens of Trinidad and Tobago is an absolute scandal.

In fact, it was as recently as 1995 that the Council of Legal Education overwhelmingly rejected the argument that a non-law degree plus the Common Professional Examination should be considered as the equivalent of a university LL.B. degree. Mr. Speaker, as you would know, in the past, in England persons could have done non-law degrees and the Common Professional Examination and

be articulated to practise. Perhaps this is one of the types of lawyers that the Attorney General intends to bring to Trinidad and Tobago, who is a person without any university training in law. Who knows? We never know with this gentleman.

The hon. Attorney General did one thing in the other place and has come now with something else. This amendment is even more scandalous than the one which was in the Senate. He has taken out the whole question of equivalent qualifications, so the mention of qualification disappears from the law and the amendment. I heard him saying that they voted for that. That is not so. He should not misrepresent the facts. I consulted with our representatives in the Senate after the sitting and that is not what they told me. He should not come here to misrepresent the facts. He should not read bits and pieces of *Hansard* as he is wont to do. He leaves out one piece and adds on another; leaves out the end and reads the middle without the beginning. Read the whole thing!

I am of the view—as occurred with the Jury (Amdt.) Bill—that the Member for Couva South may attempt to misrepresent the position of the Opposition in the Senate. He said that the Member for San Fernando West, an eminent lawyer—who would not have brought anything like this to this House—did not suggest amendments. It was proven that the Member for San Fernando West had suggested a reduction in the number of additional jurors from 12 to whatever. However, the Member for Couva South had tried previously to represent that that was not so by reading from *Hansard*, part of the contribution of the Member for San Fernando West. He is a past master of reading pieces of information without reading the important pieces of the information.

What is going on here? We have one of the oldest professions in the world and one of the most respected professions in Trinidad and Tobago—notwithstanding all those jokes one hears about lawyers—and we have an Attorney General who wants to approve lawyers.

2.10 p.m.

He is taking it upon himself to be the Council of Legal Education and the Law Association. As I said, this whole question of consultation really just puts the Chief Justice in an embarrassing position. Consultation in this context means that he just has to inform the Chief Justice of what he is doing. He does not have to seek his agreement.

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What we are doing here is giving the Minister the right to overrule an entire Council of Legal Education comprised of the most eminent lawyers and retired jurists in the region. Such intellectual arrogance! Why would a Minister want to take upon himself the right to approve legal qualifications? That is why we have a Council of Legal Education. That is why, with regard to all the other professions, we have the Medical Association, the Dental Council, the Association of Professional Engineers, the Institute of Architects, the Association of Land Surveyors; all of which are organizations comprised of eminent professionals in their respective fields who decide who can practise their profession. Some of them are not even as circumscribed as the medical profession.

The Engineering Profession Act still leaves a little loophole for non-engineers to come through, but the Legal Profession Act is very tight, that is why it had to be passed with a three-fifths majority. It infringed the right of freedom of the association of lawyers. It made it mandatory that they be members of the Law Association, and the Council of Legal Education Act prescribes that they have qualifications as prescribed by law.

I come back to the constitutional argument. I am of the view that a citizen of Trinidad and Tobago, a lawyer or someone with legal training, can successfully challenge this amendment. If he applies to the Minister to be admitted to practise and is rejected, he can challenge its constitutionality. He can go for judicial review because I am certain that there will be persons who will be admitted by the Minister who will have equivalent qualifications. He can challenge it and say that the Minister admitted Mr. X or Mr. Y and he, too, wants to be admitted. He can say that he is a Commonwealth citizen and he practised for 10 years. He does not have a Legal Education Certificate, but he wants to be admitted. I would like to hear what the Attorney General would say about that. Will he say no or yes? If he says yes, what happens to the other hundreds of lawyers who have to do the legal education training? Will they then challenge the law? The Minister can laugh and smile all he wants, but I can assure him that this will become a very, very serious matter. I really find it contemptuous of him that he did not at least try to reach agreement with the Law Association on the amended Bill. He is contemptuous of this Parliament as well because this amendment only arrived today, as usual.

We have a situation where the Attorney General has come to this Parliament and made certain statements which, in my opinion, are incorrect. They will say all sorts of things, like it is to fight crime. They can hire a local lawyer to fight

crime. In order to lend credence to the superficial arguments, one can look in the newspapers and see stories which clearly have been the result of information given to the press—and the press is absolutely correct in publishing these stories—which talk about lawyers being afraid to prosecute cases. I am of the view that this is all contrived so that he can make noise about crime. He has to bring some brilliant foreign lawyer because our local lawyers are all incompetent or afraid. *[Interruption]* I am not defending anyone. I am not being specific at all.

I am certain that the reasons the Member for Couva South will advance for violating the constitutional rights of local lawyers is that he called this and that local lawyer and he did not want to do the case; or that one was not experienced or competent enough. That can be the only reason. It is a shame and scandal that the Attorney General should bring such legislation to infringe the rights of lawyers.

It is not as if we are dealing with matters in which we have no expertise. It is not as if there is a shortage of lawyers. He should listen to what Caricom leaders and Chief Justices throughout the region have to say—that we have too many lawyers in the region; not that we do not have enough, but that we have too many. There are too many lawyers in Trinidad and Tobago. These are the pronouncements of eminent counsel: We are producing too many lawyers. If we have too many lawyers, why do we have to bring foreigners? Obviously to serve the peculiar interest of the Member for Couva South.

I see he has a copy of the Constitution. Will he debunk? *[Interruption]* One can tell when Members on the other side have nothing to say because they bring up extraneous matters in the cross talk. We are talking about the Legal Profession Act, but the Attorney General with his usual puerile mud-slinging is making comments which have no relevance, in an attempt to throw me off-track. *[Interruption]* He can read whatever he wants. I do not care. I would tell him that he just should not read it outside this Parliament. The Member for Couva South is a very *bravé dange* fellow inside here under the protection of parliamentary privilege, but he is not so brave when he goes outside and is subject to libel action. He can say what he has to say, but make sure he says it inside here.

I want him to tell me what the other Caricom countries have to say about this. I want to know the position of the other signatories to the agreement which established the entire protocol regarding the admission of lawyers to practise in Caricom territories.

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2.20 p.m.

I want to know and I do not want him to reply orally. I want it in writing. I want it in writing from the other Caribbean territories because, as I said, I do not accept what the Member for Couva South says about certain matters.

It is funny that the Law Association even dealt with the planks on which they have come into this House. Does the Attorney General know about the 1985 amendment, Legal Notice No. 78 of 1985? That Legal Notice says:

“The 1985 amendment provided additionally for the Council to award the LEC to a person (who was not a national enjoying a transitional provision) who:

- (b)(i) is the holder of a qualification which had it been obtained prior to 1st October 1972, would have been recognised by all of the participating territories as a qualification to be admitted to practise as a barrister or solicitor in those territories; or
- (c) is the holder of a qualification obtained in a Common Law jurisdiction, for admission to practise law in that jurisdiction and which qualification is approved by the Council;”

So let us debunk this whole argument about Newman being improperly admitted.

Mr. Speaker: The hon. Member’s speaking time has expired.

Motion made, That the hon. Member’s speaking time be extended by 30 minutes. [*Mrs. C. Robinson-Regis*]

Question put and agreed to.

Mr. C. Imbert: Mr. Speaker, we are of the view that Mr. Newman was properly admitted and Mr. Robertson was not. It is only one case and it cannot be construed as history or practice. He simply slipped through the cracks. It is no surprise that it was the Member for Couva North who brought him in. Mr. Speaker, I am not [*Inaudible*] The gentleman in question is an excellent lawyer. If that has been interpreted from what I have said, I am not impugning the learned Mr. Robertson. The Attorney General brought him here and caused him to be improperly admitted to practise in Trinidad and Tobago. No Government has admitted or brought in anybody who was improperly admitted to the Bar.

Mr. Speaker, that deals with the plank of the Attorney General’s argument; the argument that he has made elsewhere, that the Law Association was consulted.

Again, Mr. Speaker, incorrect. The Law Association told him that they were not in agreement with the Bill. As I said, I have a brief here from them in which they raised strong objection to this Bill. They even made this point, that it may be anticipated that there will also be dissatisfaction caused to nationals of this country who may hold the same qualifications as a non-national admitted under the proposed provision but who continue to be debarred from admission.

Mr. Speaker, it does not make any provision with regard to the circumstances in the way the power of the Minister would be exercised. They are giving the Minister unchallenged power! They are giving the Minister absolute power to admit persons to practise in Trinidad and Tobago. They could have a degree from Timbuktu. I do not know if Timbuktu is a Commonwealth country, I am just using it as an example. If the Minister is of the view that they should practise in Trinidad and Tobago, then they will practise. As I said, I hope that we are not going to take that line and develop it into other professions. We might find all kinds of quacks practising dentistry here who cannot satisfy— *[Interruption]* Yes, all kinds of quacks who cannot satisfy the Dental Council Act or the relevant Act relating to the practice of dentistry and the Minister will determine whether they could practise or not. All sorts of quacks will be brought here to practise medicine and the Minister will determine whether they could practise or not; no Medical Council, no University of the West Indies; it is the Minister. We now have a category of Minister who has assumed power upon himself, who determines the educational standards, qualifications and fitness of persons to practise in a profession as serious as the legal profession. Disgraceful! That is why I say it is a scandal.

I can assure the Attorney General—has the Member for St. Joseph spoken already?

Mrs. Robinson-Regis: No. He agrees.

Mr. C. Imbert: Oh! He agrees with me. I would not say anything since he has not spoken as yet. He is very quiet these days, Mr. Speaker, and I would advise my good Friend, the hon. Member for St. Joseph, to remain so. The thing is, Mr. Speaker, this is the thin end of the wedge.

We have something else laid in this Parliament and I would just refer to it briefly. Something to do with allowing Caricom nationals to travel freely in the region. I am sure you have read it in the newspapers so I would not refer to the Bill. It says:

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“It is the intention of the Government to allow persons who meet certain qualifications to own property and to work and so on in various Caricom territories without restrictions.”

When one looks at the intention of the Government, again, one has a super Minister who would decide whether a person has requisite qualifications, not from the University of the West Indies or any other recognized tertiary institution in the region, but the Minister. This is how he is moving, Mr. Speaker, bypassing professional organizations, institutions of learning, recognized standards and mashing up the whole structure of the professions in Trinidad and Tobago. It is going to become a total free-for-all, but I am not surprised.

I looked at the *Guardian* newspaper today headlined:

“Shake-up at Information Division.

All contract workers employed with the Government’s Information Division have been suddenly dismissed.”

Is that a caring Government? Are they in an election! What incompetence! The quote continues:

“They received their pink slips yesterday.”

How many of them? One hundred and seventeen. It is the callous disregard for human rights in this country [*Desk thumping*] and this Attorney General—I think he was the only member of the Trinidad and Tobago Bureau of Criminals. Was there anybody else? He was certainly the President. I understand they checked the membership list but they could not find anybody else, he was the only registered member. Maybe he could correct me and call some names. This former President of the Human Rights Bureau is trampling on the rights of workers in Trinidad and Tobago, dismissing contract workers and professional journalists. Many of these contract workers in the Information Division have professional qualifications in journalism. They are not quacks! They went to various universities and colleges and received certificates in journalism. They are not like the Member for Nariva.

Dr. Mohammed: Because they were employed by verbal contract. They have no written contract.

Mr. C. Imbert: This is yet another example of the contempt that the present administration has for professionals in Trinidad and Tobago.

2.30 p.m.

Look how they have dealt with persons in state corporations, Mr. Speaker, professional engineers and other professionals; persons who have studied in universities or other institutions of tertiary education or went through the prescribed course of training to acquire the professional accreditation. How have they dealt with them? With callous contempt and indifference.

There is complete contempt for the professionals of this country and with the Legal Profession (Amdt.) Bill, there is contempt for the legal profession in Trinidad and Tobago. There is contempt for journalists in Trinidad and Tobago, absolute contempt. That is how he operates; with contempt for everyone. There is contempt for the citizens of Trinidad and Tobago, and as I said, a citizen can claim that he is being discriminated against and that his right to equality under law is being affected because others are going to be permitted to practise law and he may not, although he has equal, or even superior qualifications to these foreign lawyers who are going to come here, but by chance, may not hold an LEC. It is contempt for the citizens of Trinidad and Tobago.

Look at this debt with Guyana, Mr. Speaker, again there is contempt for the citizens of Trinidad and Tobago. You have the Minister of Planning and Development making the absurd comment on a political platform that the total wealth of Guyana is US \$20 million. What absolute poppy-cock! A country of several million square miles, with millions of acres of valuable timber, green heart, purple heart, gold and diamonds and they are worth US \$20 million? Only recently a lease was given to a foreign investor in Guyana for 3 million acres of timber. Why our Government could not have done that? Why could they not have agreed with the Government of Guyana?

Mr. Speaker: Hon. Member, do not stray from the discussion please.

Mr. C. Imbert: Thank you, Mr. Speaker. I was coming straight back to it. The point I am making is that the sell-out of our money, that scandalous arrangement with Guyana is symptomatic of the behaviour of this Government; their scandalous contempt for the citizens of Trinidad and Tobago [*Desk thumping*] and especially those who are lawyers, who have studied long years, and will be deprived of earning income and who will not be allowed to practise law because of the discriminatory and unconstitutional actions of the Government.

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Let me return to the point and bring it to the constitutional aspect. They have infringed the constitutional rights of the citizens of this country with this amendment, to expect or to demand of their Government that they deal with the country in the best interest of the citizens of Trinidad and Tobago. That is how the Guyana issue comes in, Mr. Speaker. Scandalous contempt and misinformation regarding the facts as regards that sell-out in that manner.

Let me come back to the subject matter, and I am hearing all sorts of mutterings from the other side about who write-off this and who sell-out that. *[Interruption]* The Member can say whatever he wants, that means nothing to me. What I am interested in here today, is to set the record straight, to let this Parliament, and the national community, by extension, know that this is a scandalous sell-out of the rights of local lawyers. It creates a privileged class of foreigners to come and practise law in Trinidad and Tobago and locals cannot. Unless the Minister intends to extend the same rights to locals, then he is trampling on the constitutional rights of the citizens of Trinidad and Tobago. I warn him that in his hurry to deal with this matter, he will then be destroying the whole concept of legal education in this country. If he wants to create a privileged class of persons who do not submit themselves to the Council of Legal Education, and who must not do a six-month training then he is going to be destroying the whole concept and standards of legal education in Trinidad and Tobago.

Why does the Council of Legal Education demand that one does a six-month course of training organized by the Council? The Council of Legal Education is not frivolous, they are of the view that in Trinidad and Tobago for many reasons, it is necessary for persons to submit themselves to a six-month course of training. There was fusion in the profession several years ago and as a result we have the category of attorney-at-law, but previously we had solicitors and barristers. Now although my Friend from San Fernando West is a solicitor by training, because of fusion he can be an advocate.

We have a situation where persons would have been trained as solicitors but because of fusion they can now go into the court and be advocates. On the other hand, we have persons who were trained as barristers who, because of fusion can now practise conveyancing. That is why in our legal system of education the student gets a very comprehensive grounding in all aspects of the law in both conveyancing and advocacy. However, this is not so in other countries. There are many countries that still retain the solicitor and the barrister and it is for that reason that the Council of Legal Education demands that persons do the six-

month course of training so that whatever deficiencies they may have in their background would be corrected. I do not think the Member for Couva South knows with what he is tampering. There may even be persons coming here who, as I said, have no university training in law. They may have done professional examinations in England or wherever. *[Interruption]* Like who? Like the Member for Couva South? I do not want to say anything about him, he is a good friend of mine, just misguided. *[Interruption]* He knows no jurisprudence? Is it because he never went to university? I see.

Hon. Member: He never walked the hallowed halls of academia.

Mr. C. Imbert: Is that the reason for his ineptitude? I now understand.

The fact is, Mr. Speaker, that in England there is a situation where persons—I am not casting aspersions on this hon. gentleman, Mr. Speaker, let me make it abundantly clear that I respect the qualifications of the hon. Attorney General. I will never seek to challenge his qualifications. But the fact is that I am certain that the Attorney General may bring persons who have done correspondence courses in law, perhaps, and persons who have not had university training in law.

2.40 p.m.

The world is changing, Mr. Speaker. While in the past, the whole arrangement for legal education went a different track, while in the past persons were articled to a certain law firm and studied under eminent lawyers—and that was perfectly acceptable, there are many distinguished lawyers who have gone that route, and the course of training that they underwent is perfectly acceptable and in some cases might even be superior to certain aspects of university training.

The world has changed. More and more emphasis is now being placed on university education. That is the way the whole world is going in many things; moving away from informal methods of training to tertiary and university education.

What is going to happen here is that there may be a person with a university degree in law who has practised for 10 years in another jurisdiction, is a Trinidad and Tobago citizen, is a returning national who wants to come back and set his roots down in Trinidad and Tobago but he would not be able to practise here because he does not have a LEC. But the Englishman, the American, the Australian or a person from another Commonwealth territory comes here and the

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Member for Couva South allows him to practise, just so. That is why I say it is a scandal, a disgrace.

I know the Attorney General would railroad this Bill through. We saw how he operated in the Senate. We are of the view that it needs a three-fifths majority. He would ignore that fact. He would make all sorts of superficial arguments to try to deal with the whole question of a three-fifths majority, wrangle his way out of it, as he did with the Rent Restriction Act. But when a citizen of Trinidad and Tobago challenges this law, the Attorney General would have to put his tail between his legs, come creeping back to this Parliament to seek a three-fifths majority, which we would give him but under certain conditions.

At this point, may I indicate that I would table an amendment at the appropriate stage requesting that this Bill be passed in accordance with our amendment, with a three-fifths majority. We believe that it needs a three-fifths majority.

The essence of the amendment is that this foreigner—I am not saying that he has to do a six-months course; I find that is a bit too stringent. I mean, there may be an eminent lawyer coming out of England, a Queen's Counsel, a distinguished lawyer, I am sure that he can be admitted to practise here, but get it right. The Law Association and the Council of Legal Education should have a role in all of this. They are the ones who certify lawyers. It is not the Minister who certifies lawyers at the present time. The Minister does not say who could practise. It is the Bar Association, the Council of Legal Education.

I am going to table an amendment that the Council of Legal Education and the Law Association would agree that the person can practise in Trinidad and Tobago. That is all. It is as simple as that.

He wants to bring his man or lady here who has 10 years experience—no problem—bring him or her, but let us have participation and input from the Law Association and the Council of Legal Education. Let them say that they consider this person to be an eminent advocate. "We are happy that he or she has come here, we can learn from him or her, we accept his or her qualifications and we would allow him or her to practise without hindrance."

That is the essence of the amendment I wish to propose; that the Law Association and the Council of Legal Education be involved and agree that the

person can practise here, and do away with this six-month thing in exceptional circumstances. That is my view.

If there is an exceptional case and one cannot get a local lawyer, I want the name of every single lawyer who was consulted. He cannot get a local—no problem—or this person has peculiar experience in this matter—so you say. I will take his word for it. But I want the Law Association and the Council of Legal Education to be involved because they are the ones that would be best able to assess the qualifications of the person and to determine whether the person has special skills. That is the only proper way to do it. To leave it up to the Minister and give him the unchallenged right to bypass the Law Association is a travesty of the whole concept of professionalism in Trinidad and Tobago.

I would get the amendment properly written. It is an amendment to section 15A which the Attorney General has brought here and says essentially that:

Notwithstanding any law to the contrary, the Minister, where he considers it necessary or expedient after consultation with the Chief Justice and by agreement with the Law Association and the Council of Legal Education, may by Order provide that a Commonwealth citizen who has been admitted to practise in a Commonwealth country for at least 10 years is eligible to be admitted to practise law in Trinidad and Tobago upon such terms and conditions including but not limited to the duration of the admission as the Minister may specify in the Order.

That is the essence of my amendment. Very simple! Bring them in, allow them to participate in the process, but allow the standard bearers for the profession to be the ones to determine whether Mr. So and So or Madam So and So can practise.

You see, Mr. Speaker, if one of our citizens tries to go to another country to practise, maybe in the state of New York or London, England, who do you think would be subjecting them to scrutiny? It would be the requisite and relevant certifying body in England. It would not be any Minister or secretary or under-secretary. No politician in England would be there saying, “Okay, Mr. Trinidadian and Tobagonian, what do you say? You have a degree from UWI. Let me see it” That would not happen. In England there is a body of retired jurists and eminent lawyers that determines the qualifications of persons accepted to the Bar in England. That is how it is done.

Why must we accept second-hand and inferior standards in Trinidad and Tobago? Is it because the Attorney General regards this as a Third World

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country? Is it that these foreign lawyers are superior to our lawyers in Trinidad and Tobago? I asked him to answer that and he cannot because he is in fact saying, with this amendment, that he is not interested in what the Law Association and the Council of Legal Education have to say, and therefore he considers foreign lawyers superior to local ones. That is what he is doing with this amendment.

That is why I started off by saying that this Bill is an absolute disgrace and a scandal, and I cannot say it often enough. It is an insult to the legal profession in Trinidad and Tobago. It gives me great pleasure as a non-lawyer to prosecute this case. It also gives me great pleasure to stand up here for the professions in Trinidad and Tobago; for the doctors, dentists, lawyers, engineers, architects and all the other professions in Trinidad and Tobago. It gives me great pleasure to stand up for them and to protect their constitutional rights.

Mr. Speaker: The speaking time of the hon. Member has expired.

Mr. Maharaj: The Member has not said anything.

The Minister of Trade and Industry and Minister of Consumer Affairs (Hon. Mervyn Assam): Mr. Speaker, like the previous speaker, I am not a lawyer by training but I enter this debate to support the Bill to amend the Legal Profession Act, 1986.

I really thought that this was a very simple Bill because as I understood it as a layman, it was an attempt, on the part of the Government, through the Attorney General, to correct some improper procedures that had been occurring in the past.

2.50 p.m.

As far as I understood it, we had a number of lawyers from outside of our jurisdiction coming into Trinidad and Tobago and practising before our courts. Such procedures, as far as I understood, are not part of the various Acts concerning the legal profession. So that in order that the situation could have been tidied up and corrected, the Government, through the Attorney General, sought to bring this very simple Bill where a citizen who is trained in law could practise here. He brought in a further amendment to suggest that the person should be a Commonwealth citizen with a certain number of years at the Bar, at least 10 years, and that the duration may not be necessarily limited and that he or she may be brought in here on certain terms and conditions after consultation with the Chief Justice.

I saw nothing sinister; I saw nothing improper; I saw nothing as horrendous, as the Member for Diego Martin East. But unfortunately, the Member for Diego Martin East always indulges in all kinds of irrelevancies in making his contributions on matters before this House. It is unfortunate, because sometimes he may be in a position to make a serious contribution but this is always diluted by all the irrelevancies that he injects into his 75-minute presentation. He seems to revel in the fact that this House permits him to speak for 75 minutes.

One of the problems he dwelt on this afternoon gave one the impression that he was somewhat xenophobic. He seemed to be inveighing against foreigners and foreigners and foreigners. I am wondering, again, whether the Member for Diego Martin East has a short memory, because he belongs to a party that formed the Government of this country for many years. They were recently in government for four years, and prior to that they were in government for 30 years. If you were to look at the record of the PNM in government for 34 years, you would see that they brought in all kinds of foreigners into this country, in every aspect of the social, economic, cultural, literary, academic, judicial, legal life of this country. There is nothing wrong in inviting foreigners to come into this country if one feels that a foreigner can make a contribution to the development and advancement of our society. In the world of technology there is no country that is an island unto itself. Even countries as advanced as the United States and certain European countries, and even far eastern countries, use and buy and import the technology of other countries and invite people who possess those skills and technologies to come in and help them develop and advance their countries.

In Trinidad and Tobago, when we had to establish the Stock Exchange, we brought in a foreigner from England under the PNM administration. I wonder where the Member for Diego Martin East was at that time. When they were designing the Financial Complex and the Hall of Justice and all the magnificent edifices that were constructed in this country, they brought in foreigners much to the dissatisfaction and much to the disadvantage of the architects, the engineers and the quantity surveyors of Trinidad and Tobago. I remember the Architect's Association and the Professional Engineers mounting a protest against the decision of a PNM administration to bring in foreigners to design the Hall of Justice and other buildings.

Today we hear the Member for Diego Martin East inveighing against foreigners and saying that this Government is attempting to develop a new class of citizens and giving this new class of citizens preference over the normal citizens of Trinidad and Tobago.

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When this last administration was in office, one of the first things they did was to sell out the assets of this country to foreigners. The local business community, the local investing public, did not have an opportunity, like a snowball in hell, to participate in the purchase of the equity of state enterprises. They did not put it on the stock market. The previous government, through the NIC programme—

Mr. K. Valley: Mr. Speaker, if the hon. Member would give way. Obviously the Minister's information is incorrect. On every occasion we attempted to divest a company, a statement was made in this Parliament and all citizens were informed if they were interested in participating to whom they should address their offers, and what have you—on every occasion. More than that, if he would look at the list of companies divested, he would see that the majority of those divestments were, in fact, to locals.

Hon. M. Assam: I am not going to argue with the Member for Diego Martin Central, because what he is saying is a bit of a half-truth. It is a fact that Trinidad and Tobago Printing and Packaging and Farrell House were bought out by local people, but the vast majority of the important and strategic assets of this country were sold to foreigners without local entrepreneurs, investors and businessmen having an opportunity to do so. In fact—

Mr. Valley: Mr. Speaker, can the hon. Member name one such enterprise?

Hon. M. Assam: In fact, Mr. Speaker—

Mr. Valley: Name one!

Mr. Speaker: Gentlemen, what has just been done is getting out of control. If one asks the hon. Member who is speaking to give way and he chooses to give way, well one stands or falls by that, but after giving way, one cannot shout across the Chamber to him. If one wants to object, one could object in a certain way. Please, let us keep the standard up.

Hon. M. Assam: Thank you, Mr. Speaker. In fact, citizens of Trinidad and Tobago who were in a position to bid for some of these companies were totally unsuccessful, simply because of the manner in which the last administration went about the sale of state assets in a rather peculiar way—the same word that the Member for Diego Martin East attempted to use so frequently about the hon. Attorney General—in a rather peculiar, surreptitious, almost underhand manner, a

manner in which very little information and communication were given to the members of the investing public of this country.

But if they were so interested in doing so, they could have done like the NAR government and devised a programme similar to NIC to bring it on the Stock Exchange, whereby a wide participation of pension funds, of corporations, of individuals, of credit unions, of co-operative societies, of Unit Trust, of all the people interested in investing in this country, could have participated in the buying up of the equity of state enterprises. It did not suit their purpose.

What happened, after having done so, particularly with our national airline, which is now a very great source of embarrassment to all of us, we see how much "egg we have had in our faces" when the chief negotiator, the then junior Minister of Finance, former Minister of Trade and now Member for Diego Martin Central, was involved in those kinds of transactions.

3.00 p.m.

What I find so very difficult to understand is that the Member for Diego Martin East was a former member of the Cabinet of this country. I simply do not know whether they used to read their Cabinet Notes or if they understood what went on in their government because the Member for Diego Martin Central asked a question about the state prison construction and the cost—something that his colleague was so intimately involved with. Now, today, the Member for Diego Martin East is talking about a transaction in which the Member for Diego Martin Central, as junior Minister of Finance, was involved concerning Guyana; and he comes up with some spurious information about Guyana. I am amazed.

As a member of the private sector I was intimately involved in attempts to negotiate debt/equity swaps with Guyana; a concept which is alien and foreign to the intelligence and understanding of the Member for Diego Martin East. [*Desk thumping*] A concept which the Member for Diego Martin Central, who claims to understand finance was unable to push successfully with the Government of Guyana, and for 18 years the Government of Guyana owed the Government of Trinidad and Tobago increasing sums of money. The Government of Trinidad and Tobago, when the PNM was in power, could not access one penny, notwithstanding the fact that they had paper agreements from time to time. Now he is saying we have sold out.

It is the only opportunity and vehicle which a sovereign government could have used, and it is the only means that could have been honoured in the

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circumstances, that taking the whole issue to the Paris Club means certain and definite repayment of the debt owed by the Government of the Republic of Guyana to the Government of the Republic of Trinidad and Tobago. The Member for Diego Martin Central is reported to have said so in the newspapers. I am amazed that his colleague is saying differently. Is it because they are from two different factions of the PNM? The Member for Diego Martin Central is in the Manning faction and the Member for Diego Martin East is in the Rowley faction because the Rowley faction is mouthing that kind of—what do you call it?—poppycock?

They are talking about foreigners. They brought in foreigners to manage T&TEC. They brought in foreigners to manage WASA. They brought in foreigners in a rather surreptitious manner to take over the police service of this country. I am not commenting whether it was a good thing or a bad thing. That is not my point. The point is they brought people down here and they wanted to appoint certain persons as senior police officials in this country and the Police Service Association objected strenuously.

Mrs. Robinson-Regis: Mr. Speaker, on a point of order. According to Standing Order No. 36(1), a Member should be relevant to the Bill or amendment which is before the House. I am submitting, on a point of order, that the Member is being totally irrelevant and I await your ruling.

Mr. Speaker: I rule that he is entitled to respond to some of the things that have been said by Members on that side. He is entitled to continue.

Hon. M. Assam: Thank you, Mr. Speaker. I never thought that my constituent, the Member for Arouca South, who is supposedly a trained lawyer, would have risen on a non-point of order, but, of course, perhaps it is the company she keeps.

Mr. Speaker, that very PNM government of the 1991—1995 era, brought down officials from a certain organisation of a certain country and wanted to appoint some of them to high positions in the police service. Today, the Member for Diego Martin East spent 42 of his 75 minutes inveighing against foreigners and the Member for Arouca South is denying me the opportunity to respond to 42 minutes of diatribe against foreigners.

He went on to suggest that persons without a university degree, but who may have equivalent or comparable training and experience, should not be entitled to

practise law because the Act says that one must have an LL.B and an LEC to qualify one to appear before the courts of Trinidad and Tobago.

Mr. Imbert: Mr. Speaker, on a point of clarification. The point I made was that the Council of Legal Education has rejected the argument that persons who have done the professional examination hold the equivalent qualifications to university degrees. I did not say that I felt so. This is what the certifying body feels. They feel that a university degree is superior to the professional examination.

Hon. M. Assam: Thank you very much.

Mr. Speaker, he did give the impression that a person with comparable or equivalent experience and training should not be allowed. I wonder if he knows the name C.L.R. James? C.L.R. James never went to any university. He never received any degree from any university, but C. L. R. James was one of the most outstanding intellectuals not only of Trinidad and Tobago and the Caribbean, but of the world. He was a world class intellectual. He has written over 50 books, and many of the Members opposite may not know that. He probably has another 50 unpublished books, and another 120 manuscripts that many of us do not know about. That man, may God rest his soul, never went to a university, but indeed, lectured at universities and to students pursuing degrees up to the Ph.D level.

Mr. Imbert: So abolish universities according to you?

Hon. M. Assam: That is the how the Member thinks in his convoluted fashion. He is interpreting what I said to mean to abolish universities and to have no regard for university degrees. Convoluted thinking as usual. The Member is so convoluted that he comes to the House every time we sit with one intention; to create confusion, to be completely disrespectful to Members on this side and to attempt to attack the integrity of the hon. Attorney General.

I often wonder why he is using that technique. It is my view that he is using that technique simply because of his vacuousness and of his inability to make proper contributions on motions or bills before the House. Also, he almost reminds me of the phrase I learnt in elementary school, "fools rush in where angels fear to tread". He speaks on all kinds of bills—financial bills, legal bills and all kinds of bills—that he is in no way qualified to speak on. I am not even too sure whether he is qualified to speak on bills pertaining to engineering, a discipline that ostensibly he has some kind of training and knowledge in.

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Mr. Speaker, we must not come to this honourable House and attempt to score points and gain kudos because we have nothing to say. We have a simple Bill before the House which is intended to have what was irregular in the past, regularized and all kinds of motives and criticisms are being levelled against the Government, and the Attorney General, for bringing what I consider to be a rather innocent and, if I am to say so, innocuous piece of legislation.

3.10 p.m.

What is the motive of the Member for Diego Martin East? What is the reason for the raving and ranting of the Member for Toco/Manzanilla about this particular Bill? The Bill seeks to do only one thing. It simply seeks to put in place a proper procedure in law for anyone whom the state wishes to hire as counsel in this country to appear before the courts and to practise within a well defined procedure. The Bill seeks to do nothing else. The Member for Diego Martin East has imputed all kinds of motives. He has attacked foreigners and attacked us on the Guyana issue. He has told us how we have sold out; that we have created a new class of citizens and all sorts of things which I find very disturbing.

If this is the kind of conduct which we are going to see displayed in this House, it seems to me that in the first instance, the Member is not heeding the advice of his Leader. His leader got up on one occasion and made a very impassioned plea for a higher sense of dignity and a greater awareness of the need to be relevant to Motions and Bills before the House. He persists in not doing so.

Additionally, as you are aware, Trinidad and Tobago has been going through some very difficult times. Even in the other place it was recognized, although he denied that Members of his party voted positively for this particular piece of legislation. I read in the newspapers where a senior counsel in the other place voted for the Bill, commended it to the other Members of the House and made some very interesting arguments why this piece of legislation should be put in place. One of the main and compelling reasons which I read is that it gave an opportunity to someone who did not belong to this society and this particular community, to be free to practise before the courts without having to run the risks that an ordinary person and his family would normally be exposed to, had such a local attorney been hired to prosecute in certain cases of a very sensitive and dangerous nature.

One reads where witnesses do not want to come forward and jurors want to disqualify and exempt themselves on all kinds of different counts and reasons

such as illness. People recognize that we are living in a society that has enormous risks. Why would one want to take certain kinds of risks when one can manage them or even hive off those risks in other places, and use competent people to take them? It is a fact that people who are engaged in some kind of activity pertaining to the law whether as jurors, witnesses, judges or advocates do not know what could happen during and after the proceedings have been concluded.

It is my view that the Attorney General has taken a very wise step not only in correcting an irregularity which past administrations had in fact made and has existed for some time, but also in attempting to protect existing people in the society, in particular the legal profession, from these kinds of possible eventualities. What is so wrong, mischievous, malicious and pernicious about this particular step?

Maybe I do not have the convoluted mind of the Member for Diego Martin East. Maybe he sees more in Bills and Motions brought before this House than I can see. Perhaps I am too innocent. Perhaps he saw too much when he was Minister of Works and Transport. Perhaps it is because of his associations during that particular unfortunate period of his life, those four years which he served as Minister of Works and Transport, that he has come not to believe in human nature. He believes that everybody is brutish, bestial and there is no kind of gentility, rationality and humaneness existing among human kind anymore.

I commend this Bill to the House with the hope that the amendments which have been circulated with respect to particularly 15(A) be accepted and we would be able to end this debate before long.

Thank you.

Mr. Fitzgerald Hinds (*Laventille East/Morvant*): Mr. Speaker, it is with great pleasure that I enter into this rather interesting debate. The Bill before this honourable House, as has been indicated by the Member for St. Joseph, appears on the face of it to be one of little consequence and which could have been dealt with rather fleetingly. The longer one examines this Bill, the deeper and wider the implications. It is on that basis that I wish to commend and applaud every speaker on this side of the House for a useful contribution to this debate.

The Member for Diego Martin East demonstrated beyond any doubt that there are constitutional implications herein. He did it so precisely and well that I find it wholly unnecessary to develop any of the arguments which he has already put on the record of this House.

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Like many of the other Bills which have come before this House, we on this side agree and in some cases tend to agree with the principle of the measure. Although the Member for St. Joseph spent a considerable amount of time dealing with what was effectively a point which we conceded in most of our contributions, no one argues with the fact that there are indeed occasions when one requires a special kind of expertise, and more, and one may, if necessary seek that from outside of this jurisdiction. That is a principle with which we have no quarrel or problem.

The hon. Attorney General and Member for Couva South brought this measure. As the main thrust of his argument, he insisted that on occasions past, the PNM government whilst in office oversaw the practising of foreign attorneys in this jurisdiction and did so illegally. The Member for Diego Martin East was at pains to make it quite clear. I am forced to repeat his sentiments on the point because even after he made the point very clear, the Member for St. Joseph rambled on as if he did not hear one single word of the facts.

Let me reiterate for his benefit and the public of Trinidad and Tobago at large. In 1972, when the Council of Legal Education with its mandate was established, it recognized therefrom that persons who must practise law in this jurisdiction must meet a certain level of academic attainment. The world quite easily recognizes that a person may be properly qualified, but wholly unsuitable for moral and other reasons. Consequently, it allowed the Law Association the important role of certifying the fitness of the individual to practise quite apart from his academic acumen or ability. As I make mention of the concept of morality, on every occasion when I mention the word "morality" or read it anywhere, immediately my mind runs to the UNC/NAR coalition.

3.20 p.m.

Before the amendment that came from the Senate, the measure gave the Minister undiluted authority. In fact, the measure before us continues in that trend. The Minister makes the decision insofar as the man's or woman's academic ability and fitness to practise in Trinidad and Tobago is concerned.

The Legal Profession Act No. 21 of 1986 recognizes, as I have indicated, the need for academic achievement and fitness for the purpose. When the Minister, as the proposed measure attempts to do, takes upon himself or is allowed through this Parliament to carry the obligation, duty, right or responsibility of deciding without the Council of Legal Education or Law Association, then this really is

taking us too far. In words that have become very popular over the last few weeks and will continue to do so for some time yet, “enough is enough”.

The Member for Siparia, in her contribution, amazed and alarmed me. She indicated in what was a rather superficial and lightweight contribution, as is becoming usual, that it is a *de facto* practice in Trinidad and Tobago that we bring lawyers in, and all the Attorney General is attempting to do is to regularize a practised irregularity. Mr. Speaker, that ties in with the ignorance as espoused by the Member for St. Joseph, and I wish to place on record a corrective.

The unchallenged facts will show that there was a very small group of, I think, 14 or 15 attorneys who practised law in Trinidad and Tobago before 1972, much like many of the other local practitioners who were not required, upon the establishment of the institution of the Council of Legal Education, to do more for continued practice. That small group of lawyers from abroad, on the basis of that position, enjoy the freedom to practise in Trinidad and Tobago. There is only one case, as the Member for Diego Martin East made abundantly clear, where a Member was able to practise, who did not qualify according to the terms of the 1972/1973 dicta or who practised in Trinidad before. That was a case he highlighted and I need not elaborate. The facts will show that is the position.

If the Member for Couva South comes to this House and attempts to explain that the rationale for bringing this Bill is to regularize what was irregular in the past, it is to say the least despicable, unforgivable and indeed untrue.

I want to deal with the Member for Siparia because she is holding high office in this country, though not as high as she held before she was elbowed across. When we take on international obligations as we do under any treaty with other states, indeed with our regional neighbours, Caricom, this imposes upon us international obligations which cannot be treated lightly. When we take on ourselves these obligations, we are expected to honour them. Even if it were true that we practised irregularities, when it comes to the stage where we want to put on our statute books legislation which affects our international obligations in Caricom, it does not mean that because we were doing it illegally all along we must now do an improper act by putting into our legislation matters that are inconsistent with our international obligations.

This is for the future for the Member for Siparia. She must bear constantly in mind, wonderful a personality that she is, that quite apart from any *de facto* practice as she incorrectly described it, if we are going to legislate, our legislation must always be in harmony and in accord with our international obligations,

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otherwise Trinidad and Tobago will continue, as it has been for the last six or seven months, being the butt of the jokes of this region and perhaps the world.

Mr. Speaker, the Member for Siparia dealt at length with the question of consultation. She spoke about consultation with the Law Association. Well, the Member for Diego Martin East made it quite clear, that in a discussion with the Secretary of the Law Association a few moments before coming into this Chamber they had informed him that they were properly and wholly misrepresented by the Member for Couva South if he is on record as saying that they agreed with this amendment. I am instructed that they are in total disagreement and it is my business to make that part of the record of this honourable House.

Indeed, Act No. 21 of 1986, the Legal Profession Act, recognizes the Law Association of Trinidad and Tobago. So when I heard the Member for Siparia speculate and ask the very feeble question, why did we not consult with the Southern Assembly of Lawyers, I felt appalled and marginally ashamed. Those are not institutions that this Act recognizes. Of course, there is the criminal bar and there can be any number of associations within the legal fraternity, but the one body within the legal fraternity, and indeed the Act makes it incumbent on every practitioner in this jurisdiction to be a part of that association, it is the Law Association.

So, if they have to consult and indeed they should, it should be with the Law Association. It would be nice if they consulted with everyone else, but as a bare minimum they should consult with the Law Association, a point on which the Member for Couva South cannot publicly boast. Like many other acts and omissions taken and not taken by that Government, they do things in a very blunderbuss, barging manner and leave very bitter tastes in the mouths of the people of Trinidad and Tobago and come June 24, some sections of this community will have an opportunity to demonstrate their dissatisfaction with that robust and blunderbuss attitude of that Government.

To suggest further that the Chamber of Commerce be consulted on this legislation is indeed preposterous. Mr. Speaker, to ask that the Chamber of Commerce or the Medical Association of Trinidad and Tobago or even the Media Association of Trinidad and Tobago be consulted on a bill like this is really going too far. It is like asking some members of that coalition to go around this country and deliver lectures to our school children on the high principle of morality. It is

going too far. Enough is enough. I mean what I say. I know that I have used sweet words, Mr. Speaker, but I mean every word that I have said.

Mr. Speaker, the Member for St. Joseph, now that he is back may be too busy with his other business to read *Hansard*, but he missed an important point. He must take account of the fact that there is only one case where any legal practitioner from outside of this jurisdiction practised in this country without legal authority so to do.

3.30 p.m.

If the Member continues to hold that view, Mr. Speaker, we will not hold it against him because we know that it is just another case of his being misled by the Member for Couva South.

The Member for St. Joseph spoke about that very noble and outstanding Trinidad and Tobago personality, C.L.R. James, a man with whom I had the pleasure to meet, greet and speak in his last days on Brixton Road, London. I was a young student in London and, as I said, I felt it was part of my learning to meet and speak with C.L.R. James. Indeed, he was a man of illuminating intellect, but he was not a man of over-powering arrogance. He was not a bombastic man, as I am being reminded by the Member for Diego Martin East. If we take examples from C.L.R. James we must aspire to his illuminating intellect and disregard the overpowering arrogance that we have seen from the Member for Couva South. Sometimes we see glimpses of it from the Member for St. Joseph.

I want to raise a rather interesting question that came to mind as I listened to the debate. The measure before this House permits the state, in this case, to bring an attorney to practise in this jurisdiction for a particular purpose. The question I raise, in the spirit of intellect, Mr. Speaker, is: What happens if an ordinary member of the public decided that he wanted a Queen's Counsel from the United Kingdom to represent him in a matter in Trinidad and Tobago? *[Interruption]* Rather than jump on one or the other side of his face and spurt an answer at me, it is a question that must be thought out very carefully.

Mr. Speaker, it is section 5 (1) of our Constitution that allows—I will read it:

“(1) Except as is otherwise expressly provided in this Chapter and in section 54, no law may abrogate, abridge or infringe, or authorise the abrogation, abridgement or infringement of any of the rights and freedoms hereinbefore recognized and declared.”

- (2) Without prejudice to subsection (1), but subject to this Chapter and section 54, Parliament may not—
 - (c) deprive a person who has been arrested or detained—
 - (ii) of the right to retain and instruct without delay a legal adviser of his own choice and to hold communication with him;”

The question arises, Mr. Speaker, if Mr. ‘A’ is charged with an offence and he has decided—in keeping with a measure that is about to be passed before this honourable House, bulldozed through this House—he wanted a Queen’s Counsel from Australia or England to represent him, what is his position? He may look to the legislation but what does he do, Mr. Speaker? Should he make an application to the Minister asking him, who will, of course, approve that attorney to practise here; whether he could allow Queen’s Counsel ‘X’ or ‘Y’ to represent him? If that is so, and if we can contemplate that; is there a procedure to be put in place to facilitate the private citizen? If he is not permitted to so do, will that not be an infringement of the constitutionally enshrined right which I have just read? I would like to hear the Attorney General address these matters when he attempts to wind-up this debate.

In another place an amendment was made to the Bill before the Parliament and while we found the amendment taking us some stage forward and closer to the exact position we on this side would like to see, the Member for Diego Martin East proposed another amendment. That proposal is, in effect, to allow the Council of Legal Education and Law Association—as recognized by the Act—an opportunity to perform the roles that the parent Act contemplates. That, to my mind, is a solid and a sensible proposal and I commend it to the Government. I ask the Member for Couva South to disregard the usual hype and those strange behavioural tendencies, and to consider the proposal seriously. If he does, it will take this debate considerably further and it will all be for the benefit and well-being of the people of Trinidad and Tobago.

The Member for Diego Martin East described this measure as the thin end of the wedge. A moment ago I spoke about the question of morality. I spoke about the bitter taste of some of the highhanded actions that patchwork Government leaves in the mouths of citizens, groups like the media and now the Information Division, across Trinidad and Tobago.

Mr. Speaker, I take privilege in this House to say that one of my constituents who happened to be employed in the Information Division expressed to me, on my way to this House, anguish and pain at the way in which the Government is going about its project at the Information Division. That constituent told me that only yesterday a close relative of a Member of that Government was interviewed for employment in the very Information Division and it appears as though employment, perhaps on contract, is being contemplated for her.

I will not detain this House to deal with that matter in any further detail, but if the information that came from my constituent, as I walked to this Parliament today, is correct, then that smacks, perhaps, of some degree of immorality and therefore it is a matter of national concern. Mr. Speaker, nepotism of the highest order can be the issue here.

We are told, as well, of a contract to a certain law firm, that is now denied by some persons and claimed by another that engaged in a contract with the NGC, a corporation that was talked about for a long time from inside and outside this Parliament. A relative of a Member on the other side, was paid a substantial amount of money by way of a monthly retainer. Mr. Speaker, the nation should know these things. That is why when I hear the word, morality, and when we speak the language of morality, I remember that Government.

3.40 p.m.

Mr. Speaker, as we debate the measures before this Parliament today, I wish to reiterate that we on this side have by now circulated an amendment to the measure proposed to this House, and before going any further—and it is extremely relevant to this debate—I want to say two things. I, like the Member for Diego Martin East and the Member for Toco/Manzanilla, both my brother friends, consulted with a number of senior practitioners in this jurisdiction and they expressed utter and total dissatisfaction at the course the Government is taking through these measures. They believe they are capable, competent and quite equal to the task. They have no personal fears about risks and their own safety as expressed by the Member for St. Joseph, they are quite capable of dealing with their own affairs, they have done it before, and they will continue to do it. So to advance this question of heading off risks to these individuals, it is a non-starting argument, even the persons it is intended to protect have expressed the sentiments that it is of no concern whatsoever to them.

Let me put on the record of this House the sentiments as expressed by the Chief Justice only recently in a Caribbean Community meeting where he was

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reported as saying that while there was some very limited movement between the islands at the level of the practising bar, Trinidad's lawyers often turn to lawyers in England when seeking assistance. Mr. de La Bastide also spoke of the anomaly that existed where the older generation of lawyers trained in England, could not practise in other islands without a legal certificate from the Norman Manley or the Hugh Wooding Law School, while the British trained lawyers could operate at the highest level in Caribbean jurisdictions, that is the Privy Council in England.

Mr. Speaker, underlying that—along with other sentiments expressed by the Chief Justice, and which we have heard already this afternoon that there are perhaps too many lawyers in the jurisdiction—is a concern raised already by the Member for Diego Martin East that as far as is practicable, we should attempt to use the resources we already have in Trinidad and Tobago and not to increase the number of practitioners here when it is not at all necessary. Having placed those two important sentiments from the Chief Justice on record, I wish to say in closing that the hon. Attorney General should take serious account of the proposals, not only those made in another place but those made today, particularly the one we are circulating as espoused by the Member for Diego Martin East.

We on this side support the principle that where it is necessary, other expertise should be employed. The Member for St. Joseph went on giving examples where we brought expertise into Trinidad and Tobago. This should be done when it is necessary and I want, in particular, to remind the Attorney General that I would like to hear his submissions on the likely difficulties which a private individual would meet if he sought to enjoy his constitutionally enshrined right to a lawyer of his own choice.

Mr. Speaker, with these very few words, I thank you.

The Minister of Labour and Co-operatives (Hon. Harry Partap): Mr. Speaker, again I am one of those making an intervention here this afternoon but I am not of the legal profession. The Bill before us, the Act to amend the Legal Profession Act 1986, seems to me to be a very simple matter and I am quite concerned about all the issues raised on the other side. They tend to make it appear as though this Government of national unity is pitting local attorneys against foreign attorneys. I want to say that there is absolutely no truth in that. What this amendment is trying to do, is merely legalize something that was wrong in the past and such a measure is to make it as easy as possible and as legal

as possible for attorneys coming from another jurisdiction to engage in our jurisdiction. We have been doing it in the past. The last government did it. So I cannot understand what is the reason for this debate in terms of all the objections raised on the other side. The fact is that Members on the other side have said that they support the principle. We cannot wait until a matter comes up and then seek to put in legislation. We are simply trying to put the amendment so we can move on in our judicial process.

Mr. Speaker, the Bill seeks to amend section 16(1) of the Legal Profession Act 1986 to clarify the eligibility for admission of a citizen or national of any foreign country to practise law in Trinidad and Tobago whose qualifications, though not identical to those prescribed, are equivalent to. The last speaker, the Member for Laventille East/Morvant had made the point that if we need the expertise, there is no reason why we cannot bring it from outside of the country. This is not to say that we do not have trust and confidence in the attorneys or lawyers in this country. It is not so at all. If one wants to seek to get the expertise from outside, this Bill simply allows you to do that.

We are moving now into the period in the Caribbean where we may have an interchange of skilled persons. There is nothing wrong with this. If we can do it within the Caricom area, I cannot see why we cannot bring persons from outside as well.

3.50 p.m.

Mr. Speaker, we are moving into a different era. The Government is seeking to legalize a practice that has already been in force. I join with my colleagues on this side in supporting the amendment because we are merely seeking to correct a situation to make a wrong, right, as it were.

Therefore, I commend this amendment to the House and I wish that we would get the support of the other side.

Mr. Barendra Sinanan (*San Fernando West*): Mr. Speaker, I did not intend to participate in this debate. However, after the intervention of the Members for St. Joseph and Nariva, I found it necessary to join the debate.

I am going to take a different slant from all the different speakers and to recognize change in the Attorney General. On a previous occasion in this honourable House when we had suggested an amendment to the Rent Restriction Bill, he did not take heed. Now, I am happy that the Attorney General has changed to the extent that in the other place he is taking advice from another

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learned senior counsel. In this regard, I am happy that the Attorney General saw the wisdom and counsel to delete section 16 as contained in the Bill laid before the House and replace it with the suggestion, I am told, of Sen. Daly in a new subsection 15A. I recognize change and I applaud the Attorney General for that.

When the hon. Member for St. Joseph got up and made his contribution, I thought to myself that he did not really come to the aid of the Attorney General after the contribution of the Member for Diego Martin East. I thought to myself, well, look, I have recognized something good in the Attorney General; that he is willing to listen.

Mr. Speaker, the hon. Member for St. Joseph, in his contribution, made reference to the legislation as being innocuous, but I do not think that he really meant that because I would hope that any legislation brought by the Attorney General to this honourable House would not be legislation that can be termed innocuous.

All the previous speakers alluded to the fact that, yes, we recognize the need in special circumstances to have expert attorneys that are not necessarily available in Trinidad and Tobago to appear in certain cases. We all know the purpose of the legislation. It was reported in yesterday's *Guardian* that Timothy Cassel, Q.C., eminent constitutional and criminal lawyer is slated to appear in a case that is listed to be heard at the Chaguaramas Court.

I emphasize the point that in cases where foreign attorneys have to be brought in, it should only be limited to those cases where there is no local expert to do such a case. The particular case which is listed for hearing on June 10, 1996, I am not convinced that there is no local expert to handle that case.

Indeed, I stand here and say without fear of contradiction that the Attorney General himself is eminently qualified and is perhaps equal to the constitutional and criminal lawyer whom the state has retained to fight that case. I do not know whether the hon. Attorney General is waiting to get involved in some other case that is of equal prominence but that was an ideal case for the Attorney General to prosecute.

I want the Attorney General to recognize his talents; I do! By so doing, he would save the state much money and I am sure he is minded to save the state money where it can so do. If the Attorney General were to prosecute in the case that is listed for hearing on June 10, 1996, which he is eminently qualified to do,

he would do this country a great service because he would, most likely, get a conviction and he would save the state money.

Mr. Imbert: He is afraid.

Mr. B. Sinanan: No! I refuse to believe that the Attorney General is afraid. I remember a previous Attorney General who was not afraid. I refer to the then Attorney General of the PNM in 1970. He was not afraid. He did not run and hide anywhere.

Mr. Imbert: He did not go to Grenada.

Mr. B. Sinanan: He is of Grenadian birth, I think. He stayed here and prosecuted in the mutiny trial.

When the Member for St. Joseph—I do not think any other Member has raised it—talked about the need for attorneys in special cases where—nobody came out and said it—there may be security risks involved, attorneys are afraid to prosecute. There has been an example of an Attorney General of this country being not afraid and I am of the opinion, and I say without fear of contradiction, that our present Attorney General is in fact a brave man. I am sure, perhaps, on another occasion where his expertise is required, he would see it fit to save the state money and prosecute.

Mr. Speaker, I, too, join with Members on this side in supporting the principle of the Bill.

Thank you.

Mr. Hedwige Bureaux (*La Brea*): Mr. Speaker, I rise to make a very short intervention in this debate on a Bill to amend the Legal Profession Act, 1986. I read from the Explanatory Note:

"This Bill seeks to amend section 16 (1) of the Legal Profession Act, 1986 to clarify the eligibility for admission to practise law in Trinidad and Tobago of a citizen or national of any foreign country whose qualifications though not identical to those prescribed are equivalent thereto."

I want to deal particularly with the phrase "of any foreign country". We know that we live in a common law jurisdiction but there are other countries in the world where there is a civil law jurisdiction; therefore, the laws and the training which lawyers of those countries have, are likely to be different and there is a different type of situation.

4.00 p.m.

More importantly, there is a principle that governs international relations and relations between countries, and that is the principle of reciprocity. I am going to, during the process of my contribution, look to the extent to which we can find reciprocity in respect of the treatment of attorneys from Trinidad and Tobago in some of the jurisdictions from which we propose to permit lawyers trained there, to practise here.

The hon. Member for St. Joseph was at pains to point out that the government of the PNM when it was in office sought to bring in expertise from abroad and could not understand the objections of the Member for Diego Martin East in terms of bringing in foreign lawyers. I know the Member for Laventille East/Morvant, to some extent, has already dealt with this, but I think it needs to be underscored, that the question here is not the question as to whether we should admit a foreign lawyer or bring in expertise *per se*, but it is one of authority and what kind of consultation, what kind of certification is required in order for us to ensure that the person who is coming in to practise in our jurisdiction, would meet the fitness and the qualifications.

But a role is put into the Legal Profession Act of 1986 for the Law Association, as well as for the Council of Legal Education. I think it is only fitting that insofar as we are going to deal with an amendment which would permit the Government to bring foreign lawyers to practise in Trinidad and Tobago, we should seek to retain that assistance which these two bodies can provide for the state and, indeed, provide for the Attorney General. I believe in the interest of fairness, of justice, of having a local bar that is wide enough and broad minded enough to admit foreigners to practise, we need to buttress the admission with the support of the Law Association and the Council of Legal Education.

Mr. Speaker, I clearly understand the difficulty in which the Attorney General finds himself. He is faced today, in a very limited time, to get on with a very important trial; a difficult trial; a trial which has attracted much attention and bloodshed. I could very well see that any attorney general will want to be able to have a prosecuting attorney whom he believes will not fear for his own life, for the lives of his family or other persons close to him, and one would want to give an attorney general and a government that kind of flexibility to deal with a matter of that kind, not because we believe that the local attorneys are afraid—because, as I was reading in the *Newsday* today, I see that he replaces Senior Counsel,

Theodore Guerra, who led the prosecution against Chadee and nine others during the preliminary enquiry at the Princes Town Magistrates' court.

The bravery and the fearlessness of Mr. Theodore Guerra is legend in this country. I recall at a time when I lived and practised in another jurisdiction— notwithstanding the comments which the Member for Oropouche and others say to me—that Mr. Theodore Guerra, who was not senior counsel as yet, was involved in the prosecution of soldiers, I think, in the mutiny and as a fallout of that prosecution he was shot. But that did not in any way deter him from carrying out his duty as a barrister at law as he was at that time.

So the question of the concern which was expressed by the Member for St. Joseph falls flat when we record and remember the attorney of whom we speak. However, I still believe that there must be and there should be, having regard to the fact that we are trying to liberalize our economy, an opportunity to give both the state and the private individual, if they so seek to do, to have persons come in from abroad who would want to practise. To say that lawyers are not practising in Trinidad and Tobago from abroad is not correct. It is happening, and I am not now referring particularly to persons appearing before the courts. There are corporate lawyers travelling up and down, time and again, almost on a daily basis, working in this country. Whether they are appearing as administrative managers or general counsels or vice presidents, or whatever, what they are doing is a certain amount of legal work. As I say, Trinidadian and Tobagonian lawyers go abroad also to do the same kind of work, and it has been going on—at least I am certain—for more than 18 years that I have been practising as a corporate lawyer.

4.10 pm

I have no problem with lawyers coming in, and so too, I understand the problem of the Attorney General; as is said, "he who pays the piper calls the tune". If it is that the learned Attorney General believes he should have another attorney other than Mr. Guerra—who has been successfully prosecuting this matter, if I may say so, through the preliminary investigation—I want to give the state the opportunity and flexibility to do so, but we have to be careful by doing what we know must be done. We must never sacrifice what is important on the grounds of expediency.

The learned Attorney General is in a difficult position. He needs to be able to appoint a counsel. However, there is an important principle enshrined in the Legal Profession Act which deals with the entry of persons to practise law in our jurisdiction, and one needs to follow a certain important procedure. It is our

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belief, and it is also my belief, that we need to follow that procedure here, particularly in the amendment. If it is necessary, I am certain that both the Law Association and the Council of Legal Education would rise to the occasion, without much difficulty and definitely, having regard to the importance to the country. It is insufficient and improper—and it cannot be supported—to allow the Attorney General to arrogate unto himself the authority to decide, after consultation, to bring in somebody and ignore the procedure that is enshrined in the Act.

More importantly, what is enshrined in the Legal Profession Act is a product which comes out of protocol signed with our Caricom partners and neighbours. Therefore, we have to be careful that when we pass an act of Parliament we do not wilfully, and with clear knowledge, stray from a protocol which exists and has existed for some time.

Mr. Speaker, as we go further, that argument about security and fear of the person and so forth, really falls down if we read an article headlined "Round-the-clock security for English QC" written by Nalinee Seelal in the *Newsday* of June 4, 1996 which reads:

"Officers of the Special Branch and the Port-of-Spain CID have been providing round-the-clock security for Queen's Counsel Timothy Cassel, since his arrival in the country on Saturday night.

Cassel was met at the airport by senior officers on Saturday and escorted to the Trinidad Hilton, where is staying."

And the article went on to say that:

"He will lead the prosecution team in the trial of Piparo businessman Nankisson Boodram also called Dole Chadee, and nine others...

Cassel was hired by the Government to lead the trial which is due to begin on June 10, at the refurbished Chaguaramas Magistrate's Court."

We still have to provide security for that gentleman albeit, as I said, for the period of the trial only. *[Interruption]* I am not really going to deal with how much he makes. He is a senior counsel and he has to be paid plenty. I have no complaint with that.

The point was made that a citizen of Trinidad and Tobago, and I think even a quotation was read from the statement made by the learned Chief Justice of Trinidad and Tobago, in which he said that Trinidad and Tobago, Grenadian,

Jamaican lawyers and so forth, trained in England and prior to the law coming into being of the law school, still have to get Legal Education Certificates from the Council of Legal Education before they can practise in other territories.

It even comes closer to home. I have two children who are citizens of Trinidad and who are qualified as lawyers abroad. I am asking: What would happen, assuming they have the same 10-year qualification—obviously they cannot, having regard to the youth of their father—since they are citizens of Trinidad, are they to be penalized for being citizens of this country?

Miss Nicholson: I do not understand that.

Mr. H. Breaux: What I am saying is, and I would read the portion of the Explanatory Note which states that:

"This Bill seeks to amend section 16(1) of the Legal Profession Act, 1986 to clarify the eligibility for admission to practise law in Trinidad and Tobago of a citizen or national of any foreign country whose qualifications though not identical to those prescribed are equivalent thereto."

If this deals with citizens of other countries, does it deal with the situation of a citizen of Trinidad whose qualifications were not obtained at the University of the West Indies but, in fact, are equivalent to, and, in some cases, better than other qualifications which one received at the University of the West Indies? I would like to know what is the case. As I understand it, such a person still has to do a conversion course of six months at the University of the West Indies. I am not necessarily saying that we should change it. I am not saying so at all. A lawyer must be a part of the society and if it is necessary, if the Council of Legal Education feels that that must happen, then I agree that it must happen and I am prepared to support it, but I am just putting that point across. Does it now discriminate against a citizen of Trinidad and Tobago?

Mr. Speaker, more importantly, the principal Act, No. 21 of 1986, was passed in a particular way. As you know, the Constitution of Trinidad and Tobago provides that where one of the fundamental rights and freedoms under the Constitution is infringed by any law or is likely to be infringed by any law that law must be passed in a particular way.

4.20 p.m.

I take the opportunity to read from Act No. 21 of 1986. It states:

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“WHEREAS it is enacted *inter alia* by subsection (1) of section 13 of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections (4) and (5) of the Constitution and, if any such Act does so declare, it shall have effect accordingly.”

The Preamble to the principal Act goes on. It states:

“And whereas it is provided by subsection (2) of the said section 13 of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:”

I know that the amendment to the Act is not so prefaced. In law there are always two sides. I am open to be convinced by the learned Attorney General that the amendment which seeks to amend this Act will interfere with sections 4 (a) and (b) of the Constitution. To put it in perspective, I would read to put it on the record. Section 4 states:

“It is hereby recognised and declared that in Trinidad and Tobago there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex, the following fundamental human rights and freedoms, namely—

- (a) the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law;”

I submit that an attorney, barrister, solicitor or a citizen of Trinidad and Tobago who is not accorded the same privilege or has a property right to practise his/her profession, if a law infringes or abrogates on that right, then it must be passed by a special majority. Further, there is the right of the individual to equality before the law and to protection. We are passing a law in which a Trinidadian would not have the same right as a foreigner.

I am certain that the learned Attorney General remembers the time when they were in opposition, the kind of difficulty they gave whenever there was need to

pass a piece of legislation which required a majority which they did not have. I indicate to him that we are not of the same ilk. If the Government requires to pass a law that is for the peace and good government of the country, and it requires a two-thirds majority and we agree, we will vote with the Government provided there are sufficient checks, balances and safeguards to guide and protect the rights of the individual.

I go now to the amendment which has been suggested by the Member for Diego Martin East. Notwithstanding his non-legal qualifications, we endearingly call him the senior counsel. Before I get to that the Member for San Fernando West congratulated the Attorney General for agreeing to an amendment in the other place. I too extend to the learned Attorney General my congratulations. Under his brash exterior, there is a very sensitive person who really wants to do a good job. He is ashamed when he is told that he is not doing a good job. I know he is subjected to serious pressure when we find him negligent or deficient in the law. He cannot know everything. There are some persons who are better than him in some branches. The learned Attorney General has conceded. There is no harm in conceding a little. I know it would be hard for him to take it from the hon. Member for Diego Martin East. He is a stranger to the law.

Mr. Sudama: He is a stranger to the truth.

Mr. H. Bereaux: We were carrying this matter at a high level. I take this opportunity to come forward in the debate to suggest that in the proposed new section 15(A), insert the words "and with the agreement of the Council of Legal Education and the Law Association of Trinidad and Tobago" immediately after the words, "Chief Justice". The reason for that is because if it has to be done quickly some formula of words should be put in which would permit quick consultation. I am saying let us do that.

This is the business of Trinidad and Tobago. In this country the drug menace is serious. If he believes in his judgment as Attorney General that he requires legislation which will assist him in convicting persons who are involved in the drug trade and criminal activity, I am certain that all my colleagues and I would want to give him the opportunity to have such legislation, but we have a responsibility to the general public, our partners and what is correct generally. Sufficient goodwill exists in this Chamber to carry the legislation through. I plead that maybe in the Committee stage, we find a formula of words which would let us carry this through.

Thank you.

4.30 p.m.

The Attorney General (Hon. Ramesh L. Maharaj): Mr. Speaker, I am surprised that the Members on the other side are so surprised that the Government would accept an amendment from the Senate. I thought that this Government, along with this Attorney General, was very open to amendments. The fact that we accepted an amendment from the Senate reflects our openness and the fact that the Government is prepared to consider submissions from the other side which are logical, sensible and which reflect a rational policy.

If this administration accepts an amendment that a decision to implement policy on a bill depend upon a decision of any private organization, then whatever organization that may be, whether the Trade Union Movement, the Chamber of Commerce, the Employers' Consultative Association, the Media Association of Trinidad and Tobago, the Law Association or the Southern Assembly of Lawyers, it can frustrate the operation of the Bill and the Parliament.

I think that was the policy decision when this Bill was passed in 1986. I feel sorry for some of the Members on the other side because they have no leadership. They have no one to help, teach and guide them and some of these matters are very difficult to understand even to an ordinary lawyer unless one is immersed in the law. *[Interruption]*

Mr. Speaker: The sitting is suspended for half an hour.

4.33 p.m.: *Sitting suspended.*

5.02 p.m.: *Sitting resumed.*

Hon. R. L. Maharaj: Mr. Speaker, as I was saying when the adjournment was taken; if one considered the Opposition's proposal and if one looked at it in a realistic way, one would see that any organization which is given the power to approve any appointment or to make any decision that a public functionary has to make, can in effect, subvert and frustrate the legislation and therefore frustrate the wishes of the elected people. It is a recognized canon of the principles of legislation that that cannot be done.

For example, if for some reason or other, this amendment was accepted and members of the Law Association decided that they would object to a particular attorney, it could therefore mean that although the Minister of Legal Affairs and the Chief Justice have agreed, the Law Association can decide that the policy in the Bill would not be implemented. The only people who decide on public policy

are people involved in the state. Therefore in no piece of legislation one would see power put into private organizations and the Law Association is really a private organization. So that one would be putting the powers into the hands of a private organization to determine whether the legislation should be implemented.

I am very surprised that although the Opposition says that it agrees, in principle, with this Bill, they would put an amendment in order to frustrate the operation of the Bill. Therefore, the objection of the Opposition falls flat when one looks at section 16 of the Bill passed by the PNM Government, under Legal Profession Bills, in 1986. Under section 16, which gives power to the Minister, by Order, to be able to permit foreign attorneys to practise in Trinidad and Tobago on the basis of reciprocity, that power is exercised by the Minister, after consultation with the Chief Justice.

Here is the PNM in Government saying that section 3 of the Act deals with what is the Law Association, and recognizes that the Law Association represents lawyers. But in 1986 it can produce no law passed that would allow a private organization to determine whether an Act should be implemented. That is why I say I feel sorry for them.

Mr. Imbert: Mr. Speaker, would the hon. Member give way?

With respect to the question of reciprocity, has there ever been a case where reciprocity, under that section from which the Member just quoted, has been implemented? Secondly, is the Law Association not recognized by law, and therefore is not a private but a *quasi* organization? Thirdly, would the Attorney General be prepared to consider a form of words which involves consultation with the Law Association and therefore get around this problem of being subject to them?

Hon. R. L. Maharaj: Mr. Speaker, I am very sorry I gave way because I thought I would have been interrupted by sensible questions. It however reflects that the people on that side have not really addressed their minds to this Bill. That is the point I am making, there is no leadership. *[Interruption]* It is not a matter of arrogance, it is a matter of truth and facts. They must be able to face the facts!

Mr. Speaker, I can now understand why the Member for Arouca South should really be the Leader of the Opposition. I could understand that! I can also understand why she did not speak on this measure. Mr. Speaker, the Member for Arouca South could not get up in this House and subscribe to what has been said in this place.

As I said, with respect to section 16, any second-year child can read and understand it. Section 16 provides that in respect of any lawyer who is not a citizen of Trinidad and Tobago, but on the basis of reciprocity, the Minister, by Order, can in effect, cause the lawyer to be admitted in Trinidad and Tobago; simple English language. Therefore, Mr. Speaker, this is done and has always been done. There are many lawyers from Guyana and from the Caribbean who practise and are admitted here under section 16.

What has happened, Mr. Speaker, the Member for Diego Martin East went to the Law Association and somebody probably briefed him but he does not understand the brief and comes here and pretends that he knows about these matters. *[Interruption]*

Mr. Panday: They chose the wrong person to handle that brief.

Mr. Speaker: Hon. Members, everybody had an opportunity to speak and there is nobody who could charge the Speaker with having muzzled them and not allowed them to speak for the full 45 plus 30 minutes. Please, could we allow the reply of the Attorney General?

Hon. R. L. Maharaj: I am much obliged, Mr. Speaker. There is some reason why the Opposition wants to frustrate this amendment. I do not understand why. Why is it that they want this Bill to go back to the Senate? Why do they not want to have a situation where the Minister, as in section 16, can make orders? I wonder why.

5.10 p.m.

I am thinking aloud, I wonder why.

Mr. Speaker it is quite clear that what we saw here today demonstrates that the PNM is in total disarray. We see this debate on the Opposition side was opened by the hon. Member for Toco/Manzanilla who said he supported the Bill in principle and that is exactly what the Opposition did in the Senate. As a matter of fact, I have the contribution from Sen. London, and the Opposition supported the Bill and Sen. Daly's amendment. Here we have the hon. Member for Toco/Manzanilla supporting the Bill but he said that they also wanted to have consultation with the Law Association.

On the other hand you have the Member for Diego Martin East saying this Bill is a scandal, a contempt, a shame. So here the Member for Diego Martin East

is disagreeing with his party and the Upper House. A totally indisciplined Opposition. That is a scandal!

If the Opposition had discipline, they would have withdrawn the whip from him but because they do not have the courage to do that—because it is an indisciplined party—here there is a situation where the Opposition Chief Whip—I wonder if they have caucus meetings, did they take a decision—in the face of the Opposition, the Member for Diego Martin East got up and treated the policy decision of the party with total contempt and disregard. As a matter of fact, I saw the Member for Toco/Manzanilla bending his head in shame when the Member for Diego Martin East was speaking. This shows there is no leadership there. As a matter of fact, the Member for Diego Martin East seems to be really the Opposition Chief Whip. I know why he talks so much in this House. He knows his days are numbered and his political leader has asked to get another candidate for the Diego Martin East seat. Why do you think the Member for Diego Martin West is not here? He has to go also. *[Interruption]* I am glad that his Members are coming to his defence but it may be that the Member for Diego Martin West is pregnant with a desire to go to Tobago. *[Laughter]*

Mr. Speaker: Hon. Members, I am sure that it is not necessary for us to suspend to come back to settle down. I am sure of that. Please continue.

Hon. R. L. Maharaj: Mr. Speaker, I want to deal first with some of the inaccuracies and it shows that the Member for Diego Martin East only speaks because he has a mouth, he does not think about the truth, he is a stranger to the law and to the truth.

Hon. Member: You call that a mouse.

Hon. R. L. Maharaj: This hon. Member stated with all authority that the only lawyer who was admitted through this established practice was Mr. Geoffrey Robertson and there was no other lawyer. I would like to read the names of at least four lawyers who were from the English Bar and admitted from 1990. They were: Mr. Robert Michael Fish, QC admitted on November 1, 1990; Mr. Niall Anthony Sweetnam, June 14, 1991; Mr. Garvin H. Lightman, April 13, 1991; Gillian Margaret Easty, April 17, 1991; and Mr. Geoffrey Robertson, March 16, 1992.

These persons were admitted to practise at the Bar in Trinidad and Tobago, on the basis that there existed a law which would permit them to be permitted to practise even though they did not have the Legal Education Certificate, and that

was the practice which this Government caused to be implemented. The ignorance of the hon. Member for Diego Martin East was also demonstrated in the fact when he said that a lawyer who brought a person to practise here was responsible for the person to be admitted to practise.

Mr. Speaker, what happens when a lawyer has to be admitted to practise is that an application is made to the Attorney General at the time, proceedings are prepared and they are served on the Attorney General representing the state. In respect of all these applications, the state is, in effect, a party to the application. When Mr. Robertson came to practise here, he was admitted after the state was aware that he was going to be admitted and was given an opportunity to object to the court. That is the law of this country. So the ignorance of the Member is demonstrated, when he says that lawyers can be admitted to practise in Trinidad and Tobago and have been admitted to do so and the state, the Attorney General did not know what was happening. He probably knows what kind of Attorney General he had under his administration. I am surprised that a former Member of the Cabinet of Trinidad and Tobago does not understand the workings of Government.

It goes even further, a letter signed by Mr. Alan Alexander since March 15, 1993 written to the Attorney General of Trinidad and Tobago saying that as far as the Law Association was concerned, that the Legal Profession Act gave the right of the Minister to make an Order in respect of an English Attorney who wants to practise in Trinidad and Tobago and that letter calls upon the then Attorney General, Mr. Keith Sobion, to take steps to ensure that the Act was not frustrated. That Attorney General, at the time was aware that the legal profession regarded it as an established practice that the interpretation of the law was that an attorney-at-law from the United Kingdom, although he did not have the prescribed certificate, was entitled to be considered to practise in Trinidad and Tobago. Therefore, when the hon. Member for Diego Martin East said that there was no practice and the Government was not aware of this practice, it is not correct. The matter goes a little further.

Hon. Member: The Member for Diego Martin East is standing.

Mr. Panday: No. He is sitting, he is not standing. We do not give way to anyone who is sitting. If he wants that, he must stand.

Mr. Imbert: I thank the hon. Attorney General for giving way. Could you tell me what was the reply of the then Attorney General? Did he not say that he felt that the law should be followed?

5.20 p.m.

Hon. R. L. Maharaj: Mr. Speaker, I do not know why I gave way. I do not know why I thought that he was standing when he was not.

Mr. Imbert: The Member cannot answer.

Hon. R. L. Maharaj: Mr. Speaker, what makes this thing even worse—and I want to show what a totally inefficient government the PNM was—the Attorney General at the time recognized that the Act did not give the power to an English attorney to practise in Trinidad and Tobago. By letter dated March 24, 1993, he said that it was his view that the Legal Profession Act did not give the entitlement to any lawyer to practise in Trinidad and Tobago. Do you know that the Attorney General at the time took no action either in respect of the lawyers who were admitted as to what to do, or to have the law amended? No action whatsoever!

As a matter of fact, it is a matter of record because from March 24, 1993 when he wrote to Mr. Alexander he knew that there was no authority, but as far as June 3, 1992, he had written to the Chief Justice telling him that his interpretation of the law was such and that the law needed amending. It is amazing that a simple amendment such as this—the previous Attorney General who seems to be talking more now when he is out of office than when he was in office—from 1992 that party was in government and did nothing to correct this matter.

Now, they come here recognizing and agreeing that it is a correct policy, but they have not given an explanation to the public or to the lawyers in the country as to why they did not do it. They have not apologized. They have not said why they have not done it. They were incompetent to do anything. That is why the people said enough is enough in 1995.

The hon. Members on that side talk about morality, principles and contempt. That administration should not talk about those things at all. Mr. Speaker, do you know that in spite of all the oil money and the talent of our people, a loss of family values, widespread poverty, crime, alienation, joblessness, hopelessness and drugs took root when the PNM was in office? The incompetence of the PNM!

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Even as I talk, the hon. Member for Diego Martin Central who was responsible for selling out the assets of BWIA, giving it away and then taking a job as a consultant—

Mr. Valley: Mr. Speaker, on a point of order. I am not a consultant for BWIA. I have never done any work for BWIA.

Hon. Member: LIAT.

Mr. Valley: Mr. Speaker, again, on a point of order. The decision to privatize LIAT was made by the Caribbean Heads of Government, not by Ken Valley.

Mr. Speaker: Gentlemen and ladies of the House, may I indicate that I honestly do think that according to one of the newspapers, the Speaker is perhaps a little too lenient. I am satisfied that the House is becoming a little too undisciplined. If our watch words are discipline, production and tolerance; if it is one group of people who should be exercising discipline for others to follow, it is the Members of the highest court of the land. I honestly do think—and this is not a joke now—that the joke is being carried a little too far. Be mature! There is nobody here who could be under 21; come on, please.

Hon. R. L. Maharaj: I am much obliged to you, Mr. Speaker.

The point I was making is that the other side has accused the Government of bringing a disgraceful Bill, disgraceful conduct, contempt for the people, lack of morality, immorality. As a matter of fact, they said that this is absolute power. There is no question—they talk about accountable government and the point I am making is that the PNM should not talk about that at all.

When one considers just one aspect—and I took the trouble to look at it—that \$250 million was committed by a government to put up a plant on land at La Brea that could not possibly serve the purpose, I would have thought that that disqualified any political party which was in government to talk about morality.

Mr. Speaker, that party, in government, wrote off BWIA's massive accumulated debt in the give-away of BWIA. It gave over \$90 million in jet aircraft. That government, in effect, gave the fixed and current assets of BWIA; it gave the goodwill of the airline which the airline had built up all over the world over a half of a century. And that party is talking about morality!

Mr. Bereaux: — the Member's partner in Amoco, \$960 million.

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Hon. R. L. Maharaj: Mr. Speaker, they are talking about enough is enough! I agree, enough is enough.

Here again, this is another matter in which the hon. Member for Diego Martin East did not seem to have his facts correct. I do not know where he got his facts from, but they are not correct.

I never told this House that I consulted the Law Association in respect of this Bill. What I told this House is that the Law Association was consulted in respect of the policy contained in this Bill. As I mentioned in the Senate and I mention here; every Bill, including this one, that is introduced in this House is sent to the Law Association for comments.

The Law Association was consulted on the policy of this Bill and it said it recognized that there ought to be an exception to the rule. But there had to be the power whereby an English lawyer can be brought into Trinidad and Tobago. They recognized that. Therefore, there is the situation where the Law Association agreed with the policy contained in the Bill.

But, what the Law Association wanted was that before the Minister makes the Order, after he consults with the Chief Justice, there must be the approval of the Law Association as a condition precedent. How could any Attorney General who has the public interest at heart consider doing such a thing?

Suppose the members of the Law Association are engaged in a particular matter and the state wants to bring a lawyer in order to do the same matter, the members of the Law Association, the executive, decide that they are not going to approve. Then, there would be a situation where the Law Association would be able to discriminate against lawyers. Therefore, how can any government pass legislation which it would know that a private organization can use its powers in order to frustrate the working of the Bill?

5.30 p.m.

So I cannot really think that the Opposition is serious with this amendment. If I may say so, the Independent Senators were not persuaded at all. As a matter of fact, they were not interested in that. Therefore, one sees that in respect of legislation in Trinidad and Tobago, the Independent Senators represent a cross-section of views which, in effect, can be recognized, as a way in which any government has consulted with the population; with different interests in the country.

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Mr. Boynes: Mr. Speaker, I am not one to ask the Member to give way so often, but when I look at the Bill and what has been amended, it is not section 16 now. What has been amended is section 15. Now section 16 deals with the reciprocity. The Attorney General mentioned a short while ago in his submission that the Minister, in consultation with the Chief Justice, had the authority to make an order as it relates to that particular section on reciprocity. But that is not the section that is before us here in the amendment. The section before us in the amendment is section 15 which deals with the qualifications for admission to practise under the Legal Profession Act. This clause 15(A) he is now introducing deals with the manner in which the type of qualifications are required, and under that there is, "one who holds the qualifications prescribed by law." "Prescribed by law" refers now to the Council of Legal Education. The people who comprise that Council would be the Chief Justice, the Attorney General and two nominees from the Law Association. So it is on that premise that we are suggesting that there be an agreement for a contribution on the part of the Law Association. If he could address that for me I would appreciate same.

Hon. R. L. Maharaj: Mr. Speaker, I could now understand why we need some foreign lawyers to practise in Trinidad and Tobago, because how could any Member of Parliament who is a lawyer—let us be frank—get up in this House and seriously say that a section which deals with reciprocity in the admission of lawyers, that if a lawyer from the Caribbean or any Commonwealth country wants to come to Trinidad and Tobago and that lawyer has to be admitted, the Minister will have to get an application; will have to consult with the Chief Justice and the Minister can make that order; no consultation with the Law Association; no approval of the Law Association; no consultation with the Council of Legal Education, but that is all right. But in another section—the section before; whether it is in the same section or another section, it is the same principle, that you have an amendment in which you are saying that if a lawyer from a Commonwealth country wants to come to Trinidad and Tobago but he does not have that Legal Education Certificate, that he has to apply to the Minister; the Minister has to consult with the Chief Justice and providing that it is a matter having regard to the exigencies of the situation; having regard to the consultations with the Chief Justice, the Minister will have the power. It is an exercise of a similar power. It has to do with the admission of foreign lawyers, a similar power.

One can always find objections. Then I heard the hon. Member for La Brea—I am sorry he is not here. I really cannot understand. What this section does, it

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would, in effect, be able, if a Trinidad and Tobago resident or citizen goes to any part of the Commonwealth and he becomes a citizen of the Commonwealth and he wants to come back to practise in Trinidad and Tobago to do a case but he has not done the Legal Education Certificate, he is entitled, under this section, to come back and practise law. So it is not discriminatory. As a matter of fact, it is an amendment which would facilitate all Commonwealth citizens, including citizens of Trinidad and Tobago, who have not completed their Legal Education Certificate but who have been practising law for at least 10 years in a Commonwealth country, to come back to Trinidad and Tobago and do a case. As a matter of fact, there is one of our citizens of Trinidad and Tobago who practises—I did not mention his name—in the United Kingdom and comes back here from time to time to do particular cases. He would be able to come here under this law and do those cases.

So I do not understand how all of a sudden this PNM got this love for lawyers. It is not love for lawyers; it is to frustrate the operation of the criminal justice system. Because they must know that if this law is not passed and the state brings any lawyer to prosecute in any matter, or any lawyer appears in any matter, that the point can be taken thereafter that the trial was null and void if the point was taken before the trial starts.

So I do not understand that if this Opposition is committed to promoting law and order in the country, when they could come to this House and do not show any basis—we have sat down in this House and spoken for about six to eight hours. Do you know, Mr. Speaker, that this Bill was passed in two hours in the Senate? But we have Member after Member on the other side trying to frustrate and to obstruct justice in Trinidad and Tobago. That is what they want to do.

But this was the same party in government, when lawyers were appearing in unpopular causes, they stood up in this House and attacked the lawyers, personally. They, in effect, called for the public to attack the lawyers. They said lawyers should be dumped in the sea. That is the same Opposition in Government who now come to be hypocritical to say that they are concerned with the legal profession. As a matter of fact, they do not understand the concept of the legal profession, or the purpose of the legal profession. They do not understand what the legal profession is about, because if they understood that, they would have known that in government, when steps are taken to damage the independence and the fearlessness of the legal profession, one is eroding the rule of law in Trinidad and Tobago. Therefore, when they took steps to create public antagonism against lawyers engaged in their duties to defend unpopular causes, to defend persons

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charged for serious crimes, they contributed to undermining the rule of law in Trinidad and Tobago.

It is recognized in this Legal Profession Act—it is the law of this country—that a lawyer, when he appears in a case, must not be identified with the facts of that case. They were in government and they identified lawyers with the facts of cases they appeared in to suit their own political ends. They conducted a political campaign on the basis of identifying lawyers who appeared in unpopular causes in Trinidad and Tobago.

According to the Legal Profession Act which they want to oppose and are saying that we are trying to undermine, this Act says that a lawyer must take every point in favour of his client regardless of the consequences. They have undermined that.

This Government is not attacking the independence of lawyers. This Government is encouraging lawyers who want to appear in unpopular causes. That is how the legal system works. What this Government is saying is that there must be equality of arms. The administration of justice must be balanced. There must be a system which is fair. What this Government is saying, that just as in the past we had a practice and a policy where, in order to do justice to the people of Trinidad and Tobago and to promote the public interest, foreign lawyers in particular matters were entitled to come and appear, not only on behalf of the state, but on behalf of private individuals, that discretion should be had.

As a matter of fact, I know only too well—and I am very privileged that I have seen the law from all sides—how important it is for an ordinary citizen in Trinidad and Tobago, when the whole state appears to be against you, to be able to have access to a lawyer from abroad. The legal history of this country would show that from 1975 to 1985, the individual who brought the most foreign lawyers in this country to appear for him is the present Attorney General of Trinidad and Tobago. If there was not this entitlement, it may be that the rule of law would have been stifled in particular matters.

I know they would not understand it, but I think the time has come to say that they make all sorts of criticisms on that side, but if anybody has to study the legal history in this country, they would not see any one of their names in any law cases or in any law report.

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Mr. Speaker, that determines whether a lawyer is a lawyer. The only name one would find is the Member for San Fernando West—who was the attorney for the then attorney general—who swore to an affidavit and went down in the legal history of Trinidad and Tobago. [*Desk thumping*].

Mr. Hinds: Would the hon. Member give way?

Hon. R. L. Maharaj: Mr. Speaker, what is the real opposition to this Bill? I really cannot see that there can be any serious opposition to this Bill.

In conclusion, I do not intend to respond to some of the matters mentioned here. Members of the Opposition thought that, having regard to the oath they have taken and having regard to love of country which they profess to have, it was necessary for them to make some of these comments, in a debate like this, which I hope the press would use its own judgment to determine whether it should print or not.

I would hate to think that an Opposition would in effect make contributions which would give ammunition to defence lawyers in any matter, to try to prejudice a fair trial. That is why I have decided not to respond to some of these matters. [*Interruption*] The other side is talking about freedom of the press, but as lawyers, they should know that the freedom of the press is not absolute. In any major criminal trial in the United Kingdom or the United States of America, and in the Commonwealth, there are certain guidelines whereby if the press reports certain matters it can amount to certain consequences.

Mr. Speaker, I excuse the ignorance of some of these Members and I make no apologies for it because they have demonstrated that they do not love Trinidad and Tobago. They have demonstrated that they love themselves as they sat there and giggled when corruption was rampant in this country. Now they tremble in their shoes when people talk about things.

My Friend, the hon. Member for Diego Martin East, said he wants to see the minutes of the meeting. I assure him that he would see the minutes of some of the meetings he attended. He knows of some of the meetings he attended, I assure the Member for Diego Martin Central that he would also see the minutes of the meetings he attended; he can run, but he cannot hide.

Mr. Hinds: Would the hon. Member give way?

Hon. R. L. Maharaj: Mr. Speaker, there is no basis for opposing this Bill. I know they would not vote for it. I know that the Opposition do not have the courage to vote for it. I know that they have been instructed by the people not to vote for it. I know whose interest they are serving. I know who they are connected to. I know why they could not arrest people and enforce extradition laws. I know who are their friends so I expected their conduct here today.

Mr. Speaker, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in Committee.

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3.

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

Mr. Imbert: Mr. Speaker, I propose that clause 3 be amended as follows:

"In the proposed new section 15A, insert the words 'and with the agreement of the Council of Legal Education and the Law Association of Trinidad and Tobago' immediately after the words 'Chief Justice' appearing in line 4."

This amendment seeks to incorporate the Council of Legal Education and the Law Association. I simply ask the Attorney General if he is prepared to accept a form of words that would involve consultation either with Council of Legal Education or the Law Association. Instead of "with the agreement of" which he has indicated that he is totally opposed to, would he add "consultation with the Law Association"? That is all I am asking. These words would still give the Government the power, or the authority, to make whatever decision it considers to be best but at least the Law Association would feel that they have some input into it.

Mr. Panday: Why did you not give this instruction to your Senators?

Mr. Maharaj: Mr. Chairman, any amendment for consultation is not necessary because it is recognized that in drafting legislation, any government gives a commitment—and there is a requirement on the grounds of moral principles—to consult. Consultation does not in that matter have to be

consultation by all means. Consultation can take many forms as is recognized in law. The Government has consulted in this matter and it is committed to consult with any interest organization so the amendment is totally unnecessary.

What the proposed amendment can do, if it is accepted, is to frustrate the operation of the Act. The amendment can, in effect, be a delaying tactic to achieve a particular objective. The amendment can, in effect, undermine the whole intent and purpose of the law, and the Government feels that having regard to what has transpired in another place, that this application to amend is very suspect and is not *bona fide*. We are not prepared to accept it.

Mr. Imbert: Mr. Chairman, what I propose—listening to the argument of the Attorney General, I would like to vary this circulated amendment—to remove the words "and with the agreement of" and just add "consultation with". That is all I saying. I am wondering if his comments were addressed to that and not what is before us.

Mr. Maharaj: I have dealt with that.

Mr. Imbert: That is with my new point?

Mr. Maharaj: Yes.

Mr. Williams: For my own elucidation, is the Attorney General saying that consultation with the Law Association of Trinidad and Tobago may result in delaying or frustrating tactics?

Mr. Maharaj: Mr. Chairman, I spoke in very clear English and, with the greatest respect to the Member, what I did say was well explained and our contention on this side is that we cannot accept the proposal of the Opposition.

Question, on amendment, put and negatived.

Clause 3 ordered to stand part of the Bill.

5.50 p.m.

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

House resumed.

Bill reported without amendment.

Question put, That the Bill be now read the third time.

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The House voted: Ayes: 31

AYES

Maharaj, Hon. R. L.

Panday, Hon. B.

Persad-Bissessar, Hon. K.

Humphrey, Hon. J.

Sudama, Hon. T.

Maraj, Hon. R.

Nicholson, Hon. P.

Rafeeq, Hon. Dr. H.

Assam, Hon. M.

Khan, Dr. F.

Singh, Hon. G.

Nanan, Hon. Dr. A.

Partap, Hon. H.

Mohammed, Hon. Dr. R.

Singh, Hon. D.

Ramsaran, Hon. M.

Sharma, C.

Ali, R.

Valley, K.

Imbert, C.

Lasse, Dr. V.

Robinson-Regis, Mrs. C.

Narine, J.

Hart, E.

James, Mrs. E.

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Griffith, Dr. R.

Bereaux, H.

Sinanan, B.

Boynes, R.

Hinds, F.

Williams, E.

Question agreed to.

Bill accordingly read the third time and passed.

ADJOURNMENT

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that the House do now adjourn to Friday, June 7, 1996 at 1.30 p.m.

May I announce that the Government would be dealing with Bills Second Reading (1) and (2) on the Order Paper. That is a Bill entitled, "An Act to remove the restrictions on entry into Trinidad and Tobago of skilled nationals of qualifying Caribbean community countries"; and a Bill entitled, "An Act to amend the Motor Vehicles Insurance (Third Party Risks) Act, Chap. 48:51".

Question put and agreed to.

House adjourned accordingly.

Adjourned at 5.55 p.m.